June 24, 1974

# THE NEW YORKER

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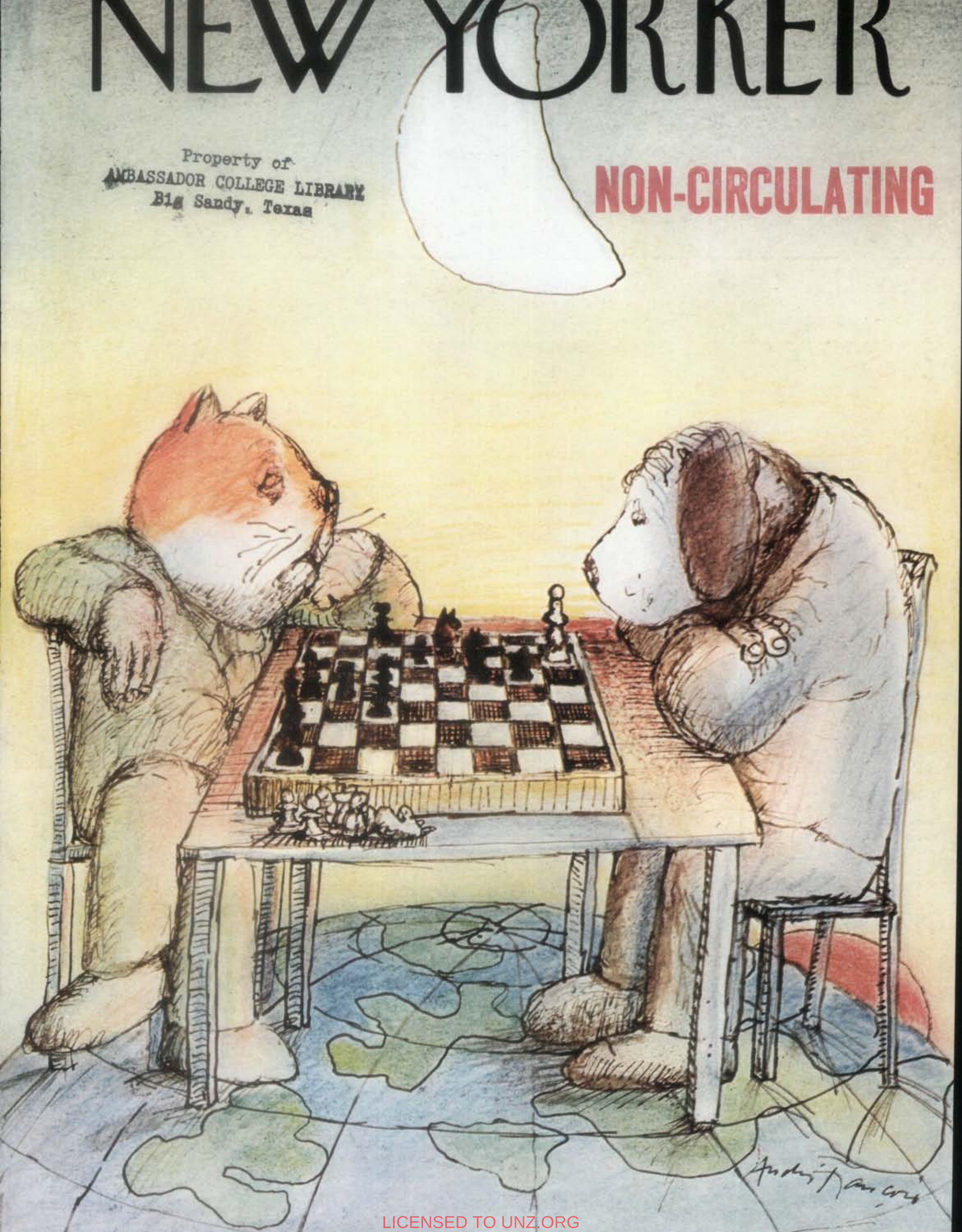
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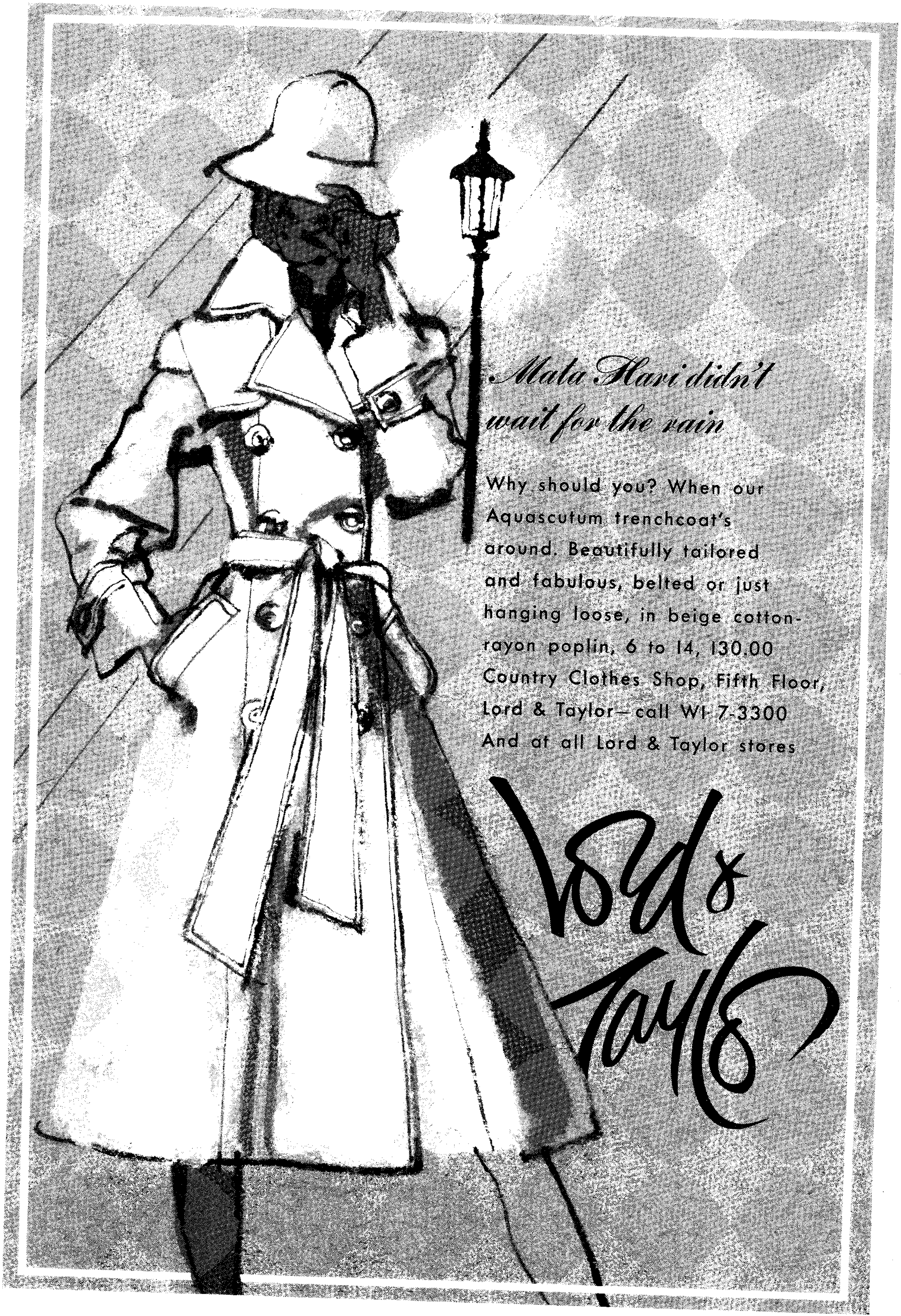

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# GOINGS ON ABOUT TOWN

A CONSCIENTIOUS CALENDAR OF EVENTS OF INTEREST

## THE THEATRE

### PLAYS AND MUSICALS

**Bad Habits**—A pair of very funny one-acters by Terrence McNally, each of them set in a sanatorium. The performances, under the direction of Robert Drivas, couldn't be better. With Doris Belack, Cynthia Harris, and J. Frank Lucas, among others. (Booth, 222 W. 45th St. 246-5969. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

**Candide**—A triumphant version of the once-doomed Bernstein-Wilbur-Voltaire musical. Voltaire still comes out last, but it doesn't matter. (Broadway Theatre, Broadway at 53rd St. 247-7992. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

**Good Evening**—Peter Cook and Dudley Moore in a splendid two-man revue. (Plymouth, 236 W. 45th St. 246-9156. Nightly, except Sundays, at 8. Matinées Wednesdays at 2:30 and Saturdays at 3.)

**In the Deepest Part of Sleep**—As its final production this season, the Negro Ensemble Company is presenting Charles Fuller's play about one crucial day in a household under great emotional strain. The script has its weaknesses, but the performance, under Israel Hicks's direction, is very strong. The extraordinary Mary Alice appears as a middle-aged woman on the verge of a second mental breakdown, and she is ably supported by Charles Weldon, Todd Davis, and Michele Shay, as husband, son, and trained nurse, respectively. (St. Marks Playhouse, 133 Second Ave., at St. Marks Pl. OR 4-3530. Tuesdays through Fridays at 8; Saturdays at 8:40; and Sundays at 7. Matinées Saturdays at 5 and Sundays at 2:30. Closes Sunday, June 30.)

**Jacques Brel Is Alive and Well and Living in Paris**—A revival of the musical put together from the works of M. Brel by Eric Blau and Mort Shuman, who also did the English lyrics. (Astor Place Theatre, 434 Lafayette St., near Astor Pl. 254-4370. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 8. Matinées Sundays at 3.)

**Lorelei**—The first ghost musical. The only thing in it that is not ectoplasm is the star, Carol Channing, who has true grit and would break her own leg for a laugh. (Palace, Broadway at 47th St. 757-2626. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

**The Magic Show**—A wretched musical, but the magic tricks by Doug Henning are worth going to see. (Cort, 138 W. 48th St. 489-6392. Nightly, except Sundays, at 7:30. Matinées Wednesdays and Saturdays at 2.)

**Moonchildren**—Michael Weller's comedy about a group of college students living a communal life back in the sixties had a very brief run on Broadway a couple of years ago. This small theatre—Off Broadway—is a far more appropriate setting for it. Mr. Weller is a quite funny writer, and the tone of his play always seems right, but his perpetually prankish and plaintive characters, in their undergraduate limbo, become very wearing after an act or two. The production, under John Pasquin's direction, is excellent. With Michael Sacks, Jim Jansen, Renée Tadlock, and Kenneth McMillan, among other good actors. (Theatre de Lys, 121 Christopher St. WA 4-8782. Tuesdays through Fridays at 7:30; Saturdays at 6:30 and 10; and Sundays at 7:30. Matinées Sundays at 2:30.)

**A Moon for the Misbegotten**—O'Neill's sad and comic tale of a rude farm girl and her one encounter with love has been brilliantly revived, with Colleen Dewhurst, Jason Robards, and Tom Clancy. The director is José Quintero. (Morosco, 215 W. 45th St. 246-6230. Nightly, except Sundays, at 7:30. Matinées Wednesdays and Saturdays at 2.)

**My Fat Friend**—Being fat is a familiar metaphor for feeling unloved, and Lynn Redgrave touchingly plays a fat girl determined to get thin and be loved. George Rose plays a bitchy homosexual friend of hers, all for laughs, and laugh we do. (Brooks Atkinson, 256 W. 47th St. 245-3430. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

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**My Sister, My Sister**—Blending fantasy and realism (and considerable sympathy and humor), Ray Aranha tells the story of a black girl ensnared by circumstances, many of them beyond her control. The performances are excellent. Seret Scott plays the heroine, Barbara Montgomery plays her mother, and Frank Adu plays both her father and her lover. (Little Theatre, 236 W. 44th St. 221-1284. Nightly, except Mondays, at 8. Matinées Saturdays and Sundays at 2:30.)

**Noël Coward in Two Keys**—A couple of neatly turned one-act plays by the late Master, delightfully enacted by Hume Cronyn, Jessica Tandy, Anne Baxter, and Thom Christopher. (Ethel Barrymore, 243 W. 47th St. 246-0390. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2. Closes Saturday, June 29.)

**Over Here!**—A musical about the war-torn forties, little of which is to be believed, though nearly all of it can be enjoyed. With the Andrews Sisters and a large, capable cast. (Shubert, 225 W. 44th St. 246-5990. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

**Raisin**—A jaunty and heartwarming musical has been made out of Lorraine Hansberry's old-fashioned play about a black Chicago family on its way to white middle-class mediocrity. Directed and choreographed by Donald McKayle. (46th Street Theatre, 226 W. 46th St. 246-4271. Tuesdays through Fridays at 7:30, and Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

**Scapino**—A headlong farce, freely adapted from Molière's "Les Fourberies de Scapin" and acted to perfection by members of the Young Vic company, on loan to us from London. (Joseph E. Levine Theatre, Broadway at 50th St. 581-0720. Tuesdays through Saturdays at 7:30. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

**The Sea Horse**—The pursuit of love in a waterfront saloon. The pursuer is a seaman, and the object of his quest is the very tough, very fat, and very resistant young woman behind the bar. Some of the play seems contrived and sentimental, but much of it is believable and entertaining. The performances of Edward J. Moore (who wrote the play) and Conchata

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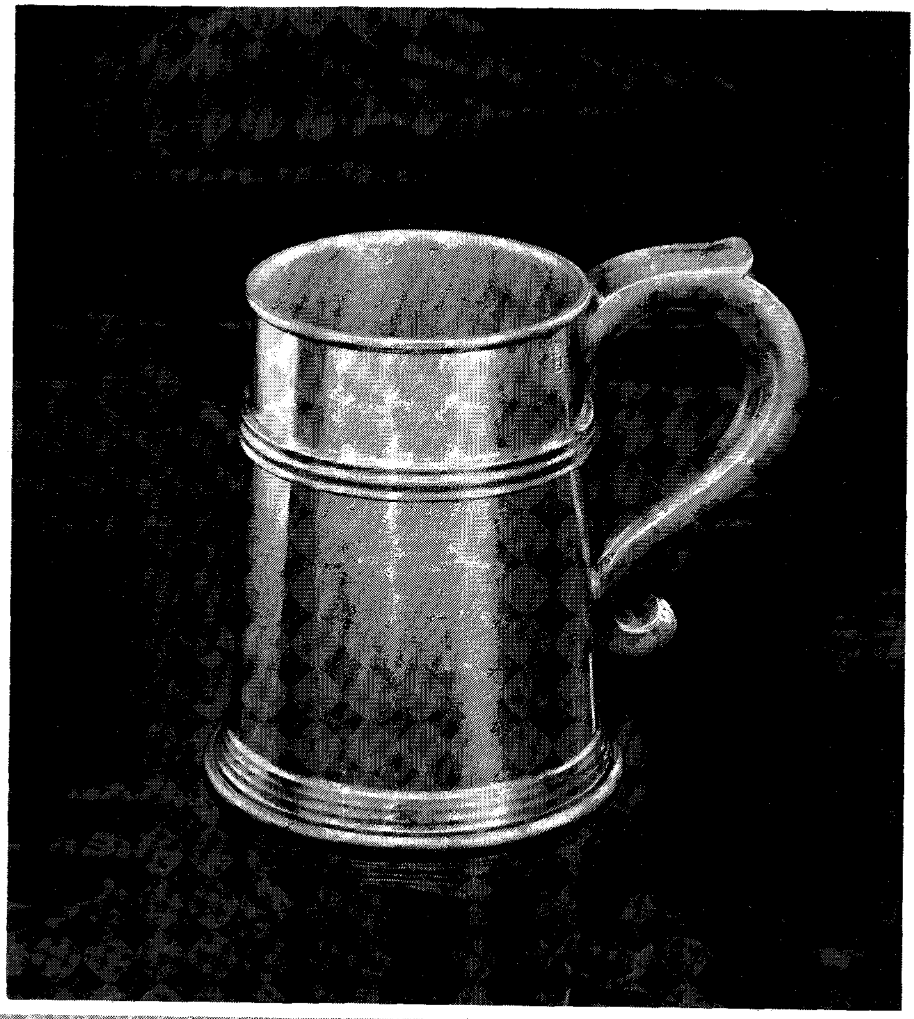

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# GOINGS ON ABOUT TOWN

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Ferrell are faultless. Marshall W. Mason directed. (Westside, 407 W. 43rd St. 541-8394. Tuesdays through Fridays at 7:30; Saturdays at 7 and 10; and Sundays at 7. Matinées Sundays at 3.)

**Short Eyes**—Miguel Piñero's drama is set in a house of detention and is about a man who is brought there on the charge of molesting a child. The action, under the direction of Marvin Felix Camillo, is often brutal and always valid. Many members of the company ("The Family") have themselves been prisoners, and their small scenes—their sudden fights and their bursts of singing and comedy—are almost as important as the plot. (Vivian Beaumont, 150 W. 65th St. 362-7616. Tuesdays through Saturdays at 8. Matinées Wednesdays, Saturdays, and Sundays at 2.)

**The Sirens**—A tale of three women, all black, and of their men, past and present. The setting is Newark. The play, by Richard Wesley, is absorbing and ever credible, and it is well done, under William Lathan's direction. Veronica Redd gives a fine performance as a cynical whore whose husband returns after having deserted her ten years before, and Roscoe Orman is very good as the husband. (Manhattan Theatre Club, 321 E. 73rd St. 288-2500. Nightly, except Mondays, at 7:30.)

**Thieves**—A sort of "Grand Hotel" of high-rise apartment living, blessed by the presence of Marlo Thomas. The author is Herb Gardner. (Broadhurst, 235 W. 44th St. 246-6699. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

**The Tooth of Crime**—This satire by the erratic, highly gifted young dramatist Sam Shepard is here given an "environmental" production, under Richard Schechner's direction. Some scenes and lines are effective, but many are scattered and get lost. Fridays and Saturdays at 9, preceded (at 7) by Michael McClure's "The Beard." (Performing Garage, 33 Wooster St. 966-3651. Closes Saturday, June 29.)

**When You Comin' Back, Red Ryder?**—Mark Medoff's efficient, occasionally exciting, but essentially shallow melodrama about a brash young man running dope from Mexico to California, who stops off at a diner in New Mexico and taunts everyone in sight, to depressing effect. The playwright may have some messages in mind about such matters as the legend of the Old West or the hypocrisy of the middle classes, but these can easily be ignored. The actors do well, under Kenneth Frankel's direction. With Kevin Conway in the leading role, and Elizabeth Sturges as a fat, gentle countergirl. (Eastside, 334 E. 74th St. 861-2288. Tuesdays through Thursdays at 7:30, and Fridays and Saturdays at 7 and 10. Matinées Sundays at 3.)

**Words and Music**—How to write terrific popular songs, and then how to put them over, partly through body English. Our delightful teacher is Sammy Cahn. (Golden, 252 W. 45th St. 246-6740. Tuesdays through Saturdays at 8. Matinées Wednesdays at 2:30 and Saturdays and Sundays at 3.)

**The World of Lenny Bruce**—Frank Speiser in a one-man show. (Players, 115 Macdougal St. AL 4-5076. Tuesdays through Fridays at 8; Saturdays at 8 and 10:30; and Sundays at 7. Matinées Sundays at 3.)

**Long Runs**—**don't bother me, i can't cope:** A sparkling all-black revue directed by the dynamic Vinnette Carroll and with delightful songs—music and lyrics—by Micki Grant. All the performers are good. (Edison, 240 W. 47th St. 757-7164. Tuesdays through Fridays at 7:30, and Saturdays at 7:30 and 10. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **the fantasticks:** 5,889 performances so far. (Sullivan Street Playhouse, 181 Sullivan St., at Bleecker St. 674-3838. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **godspell:** A musical adaptation of the Book of Matthew, and once a numbing prologue is over, it becomes a joyful celebration of theatre itself. Songs by Stephen Schwartz. (Promenade, 2162 Broadway, at 76th St. 799-7690. Tuesdays through Fridays at 7:30, and Saturdays at 6 and 9. Matinées Wednesdays at 2:30 and Sundays at 3.) . . . **el grande de coca-cola:** A funny, brief lark, set in a tacky night club in Honduras. (Plaza 9 Theatre, Plaza Hotel, Fifth Ave. at 59th St. PL 9-3933. Tuesdays at 8; Wednesdays at 8 and 10; Thursdays at 8; Fridays and Saturdays at 8 and 10; and Sundays at 8. Matinées Sundays at 3.) . . . **grease:** A musical (score, book, and lyrics by Jim Jacobs and Warren Casey) that parodies, by faithful imitation, the songs and dances of the nineteen-fifties. The young cast performs capably and with spirit. (Royale, 242 W. 45th St. 245-5760. Nightly, except Sundays, at 7:30. Matinées Wednesdays and Saturdays at 2.) . . . **the hot l baltimore:** Lanford Wilson's play about the assorted, seedy residents of a once good hotel, now shabby and threatened by bulldozers, is synthetic and sugary, but it is quite entertaining, too. (Circle in the Square, 159 Bleecker St. 254-6330. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **irene:** A synthetic musical, borrowing from the past without having been there. Jane Powell and the rest of the cast redeem the falseness with hard work and high spirits. (Minskoff, 45th St. west of Broadway. 869-0550. Tuesdays through Saturdays at 7:30. Matinées Wednesdays and Saturdays at 2, and Sundays at 2:30.) . . . **a little night music:** Love in three-quarter time in 1973—it sounds improbable, but Stephen Sondheim, with his music and lyrics, and the director, Harold Prince, with his brio, bring it off. The cast includes Glynis Johns, William Daniels, and Hermione Gingold. (Majestic, 245 W. 44th St. 246-0730. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **pippin:** A big but skimpy musical that the director and choreographer Bob Fosse has turned into his very own "War and Peace," with everything but a yacht race. Eric Berry and John Rubinstein play Charlemagne and his son. (Imperial, 249 W. 45th St. 265-2412. Nightly, except Sundays, at 7:30. Matinées Wednesdays and Saturdays at 2.)

## BALLET AND DANCE

**New York City Ballet**—Tentative schedule of final performances of the season—Wednesday, June 19, at 8: Divertimento from "Le Baiser de la Fée," "Afternoon of a Faun," "Scherzo à la Russe," and "Western Symphony." . . . ¶ Thursday, June 20, at 8: "Jewels." . . . ¶ Friday, June 21, at 8: "Divertimento No. 15," "Prodigal Son," "The Cage," and "Bartók No. 3." . . . ¶ Saturday, June 22, at 2: "Bartók No. 3," "Who Cares?," and "Stars and Stripes." . . . ¶ Saturday, June 22, at 8: "Allegro Brillante," "Illuminations," "Variations Pour une Porte et un Soupir," and "Stars and Stripes." . . . ¶ Sunday, June 23, at 1: "Divertimento No. 15," "Prodigal Son," and "Stars and Stripes." . . . ¶ Sunday, June 23, at 7: "Illuminations," "Dybbuk," and "Divertimento No. 15." . . . **a midsummer night's dream:** Wednesday through Friday, June 26-28, at 8; Saturday, June 29, at 2 and 8; and Sunday, June 30, at 1 and 7. (New York State Theatre, Lincoln Center. TR 7-4727.)

**Moiseyev Dance Company**—A five-week engagement by a hundred and twenty dancers from Moscow, plus a symphony orchestra. (Metropolitan Opera House. 787-3880. Nightly, except Sundays, at 8. Matinées Saturdays at 2. Closes Saturday, July 20.)

**Armenian State Dance Ensemble**—A company of sixty, appearing here for the first time. (Carnegie Hall. CI 7-7459. Friday and Saturday, June 21-22, at 8, and Sunday, June 23, at 3.)

**Eliot Feld Ballet**—Following a week's hiatus, the company will present an additional two weeks of programs. Tuesday evening, June 25: "Sephardic Song," "At Midnight," "The Tzaddik," and "Intermezzo." . . . ¶ Wednesday evening, June 26, and Friday evening, June 28: "Theatre," "Sephardic Song," "Cortège Parisien," and "Intermezzo." . . . ¶ Thursday evening, June 27: "Theatre," "The Gods Amused," "The Tzaddik," and "At Midnight." . . . ¶ Saturday evening, June 29: "Theatre," "The Gods Amused," "The Tzaddik," and "Intermezzo." (Public Theatre, 425 Lafayette St. 677-6350. Evenings at 8. Closes Sunday, July 7.)

## NIGHT LIFE

(A highly arbitrary listing.)

### MOSTLY FOR MUSIC

(A few of the notable performers now in town.)

**George Benson**—Bottom Line, 15 W. 4th St., at Mercer St. (228-6300). Guitar, leading a quartet, through Sunday, June 23, at eight-thirty and eleven-thirty.

**Jaki Byard**—Bradley's, 70 University Pl. (228-6440). Piano, with bassist Major Holley, from nine, on Sundays.

**Blossom Dearie**—Reno Sweeney, 126 W. 13th St. (691-0900). Singing at the piano, between five-thirty and seven, Tuesdays through Saturdays.

**Roy Eldridge**—Jimmy Ryan's, 154 W. 54th St. (CO 5-9505). Trumpet, with Bobby Pratt, Dick Katz, Joe Muranyi, and Eddie Locke. Nine-thirty to three, except Sundays.

**Art Farmer**—Half Note, 149 W. 54th St. (586-5383). Trumpet and flugelhorn, leading a quartet, from nine-thirty, except Sundays.

**Sonny Greer / Russell Procope / Brooks Kerr**—Gregory's, 1149 First Ave., at 63rd St. (371-2220). Drums, reeds, and piano, respectively. Wednesdays through Saturdays from nine-thirty to three, and Sundays from five-thirty to seven-thirty and nine-thirty to twelve-thirty.

**Tiny Grimes**—West End Café, 2911 Broadway, at 113th St. (666-8750). Guitar, leading a trio. Thursdays and Fridays, from nine to one.

**Chico Hamilton**—Mikell's, 760 Columbus Ave., at 97th St. (864-8832). Drums, leading a quintet, Thursdays through Saturdays, from ten to three.

**Roy Haynes**—Boomer's, 340 Bleecker St., at Christopher St. (243-0245). Drums, with his quintet, from nine to three. Beginning Wednesday, June 26.

**Thad Jones-Mel Lewis Band**—Village Vanguard, 178 Seventh Ave. S., at 11th St. (989-9011). With vocalist Dee Dee Bridgewater, Mondays, at ten.

**Lee Konitz**—Stryker's, 103 W. 86th St., at Columbus Ave. (874-8754). Alto saxophone, heading a trio, Wednesdays and Thursdays, from nine-thirty to three.

**Mabel Mercer**—St. Regis Room, in the St. Regis-Sheraton, Fifth Ave. at 55th St. (PL 3-4500). Songs. Tuesdays through Saturdays at ten and midnight, through Friday, June 28.

**Buddy Rich**—Buddy's Place, 1220 Second Ave., at 64th St. (752-5855). Drums, leading a septet, nightly, except Sundays.

**Sonny Rollins**—Village Vanguard, 178 Seventh Ave. S., at 11th St. (989-9011). Tenor sax, leading a quintet, from ten, through Sunday, June 23.

**Jimmy Rowles**—Bradley's, 70 University Pl. (228-6440). Piano, from nine-thirty to two-thirty, beginning Monday, June 24.

**Bobby Short**—Café Carlyle, Madison Ave. at 76th St. (RH 4-1600). Singing and playing piano, from nine-forty-five, through Saturday, June 22.

**Horace Silver**—Half Note, 149 W. 54th St. (586-5383). Piano, with his quintet, from nine-thirty. Beginning Monday, June 24.

**McCoy Tyner**—Half Note, 149 W. 54th St. (586-5383). Piano, leading a quartet, from nine-thirty, through Saturday, June 22.

**Doc Watson**—Bottom Line, 15 W. 4th St., at Mercer St. (228-6300). Guitar and folksongs, at eight-thirty and eleven-thirty, beginning Thursday, June 27.

**Chuck Wayne and Joe Puma**—Bradley's, 70 University Pl. (228-6440). Guitar duo, from nine-thirty to two-thirty, through Saturday, June 22. . . . ¶ Stryker's, 103 W. 86th St., at Columbus Ave. (874-8754). Sundays, from nine until two.

•

(A few places where the notable performers, and others, are performing.)

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the Grove Street Stompers go to town on "Cake Walkin' Babies" and similar classics. Tuesdays through Saturdays, from nine to three, pianist Mabel Godwin conjures up other styles, other seasons. Closed Sundays.

**Bitter End,** 147 Bleecker St. (475-7804)—Having midwifed the American folk renaissance, this simple cavelike setting (little changed in fifteen-odd years) now gives its attention to Buzzy Linhart, a local folk-rock singer and musician. Through Monday, June 24. Blues, ballad, and jazz singer Esther Phillips begins a stint here on Wednesday, June 26. Tuesdays are allotted to visiting performers. Ice-cream concoctions or, for Spartans, coffee, tea, or water.

**Boomer's,** 340 Bleecker St., at Christopher St. (243-0245)—A soul-food restaurant with *savoir-cuire* and hospitality. Despite the obstructing pillars and a glare that pours out from the kitchen whenever the doors swing open, the jazz that is featured here is well chosen and well miked. Pianist Cedar Walton is in charge of a quartet through Saturday, June 22. Beginning Wednesday, June 26, Roy Haynes will take his young quintet in and out of some moving, if familiar, material. Nine to three are the music hours.

**Bottom Line,** 15 W. 4th St., at Mercer St. (228-6300)—A Colosseum of a folk-and-rock club (by New York standards), this four-hundred-and-fifty-seat house somehow doesn't seem so amphitheatrical as it does intimate. Its top-notch sound system adequately projects even private, diffident performers, and its sensible seating plan provides tiered sections of aisled tables and chairs. If soul and jazz can co-exist here, the current double bill (through Sunday, June 23) should be a triumph: Melvin Van Peebles, a raw-voiced singer and actor, attends to the soul portion of the program, while guitar whiz George Benson and his quartet work with some weightier musical ideas. Monday through Wednesday, June 24-26, Canned Heat, a lively, popular West Coast band that has been packaging rock under a blues label for several years, alternates with Kansas, a prairie-rock outfit. On Thursday, June 27, Doc Watson, one of the most respected of folklorists, will bring in his six- and twelve-stringed guitars and mouth harp, and sit down to sing and pick. Shows at eight-thirty and eleven-thirty. Snacks.

**Bradley's,** 70 University Pl. (228-6440)—Exercising a good and reverent ear for music, this warm and friendly bar and restaurant enjoys a high reputation among musicians and listeners alike. The choice spot in the room is the end of the bar, nearest the music corner. Chuck Wayne and Joe Puma trade guitar solos and satisfied glances through Saturday, June 22. On Monday, June 24, California-based pianist Jimmy Rowles returns to the Village with his singular harmonic sense and his near-Tatum-light touch. Sundays, Jaki Byard, an accomplished pianist who plays in many styles, receives enthusiastically good-natured support from bassist Major Holley. Nine-thirty to two-thirty every night but Sunday, when the music runs from nine to one.

**Buddy's Place,** 1220 Second Ave., at 64th St. (752-5855)—Several spotlights in this pleasant second-story jazz room illuminate drummer (and proprietor) Buddy Rich and his explosive septet—probably one of the best groups that Rich has worked with in years. Sonny Fortune's soprano and alto saxophone and flute, and Sal Nistico's tenor, make up a splendid reed section. Anthony Jackson is the strikingly agile electric bassist. John Bunch does wonders on piano, Jimmy Maeulin more than holds his own on congas, and Jack Wilkins, a young guitarist, can be as lilting or as gutsy as the occasion may require. Rich himself holds the whole ensemble together wonderfully, and even soloes on occasion, but never at undue length. It's unusual to see a band as small as this one hunched over music stands reading charts, but the arrangements (by Ernie Wilkins, Mike Abene, and Manny Albam) are suitable territory for fire storms. Two shows week nights, three shows Saturdays. Snacks. Closed Sundays.

**Café Carlyle,** Madison Ave. at 76th St. (RH 4-1600)—The classics of the twenties and thirties are in safe hands here. Bobby Short knows how to choose them, how to play them, and, what's more, how to sing them. Mr. Short's respectful and energetic voice and piano are well served by drummer Dick Sheridan and bassist Beverly Peer. Nightly at nine-forty-five, eleven-thirty, and one through Saturday, June 22, after which the Café closes for the summer. Dinner and supper.

**Cookery,** 21 University Pl., at 8th St. (OR 4-4450)—A casual and sometimes overly animated restaurant with a piano in the center of the room. Pianist Calvin Jackson, another West Coast musician, collaborates with bassist Rusty Gilder from eight to one. Chuck Folds claims the keyboard on Sundays. Dinner.

**Grand Finale,** 210 W. 70th St. (595-4206)—A large room, with red walls, red carpeting, red tablecloths, and Italian dishes with tomato sauce. Tuesdays through Saturdays, Alaina Reed, a capable young singer, does blues and gospel and (of lesser interest) some autobiographical monologues. On Sunday, June 23, Martile, a singer, works over a few arias. Mondays are devoted to unveiling new talent. Shows begin at nine and midnight.

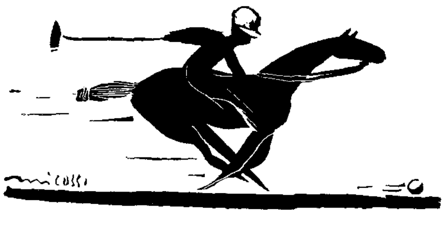
**Gregory's,** 1149 First Ave., at 63rd St. (371-2220)—An up-to-date version of the neighborhood pub. Twenty-two-year-old stride stylist and Ellingtonia fancier Brooks Kerr works with and learns from drummer Sonny Greer, who began his relationship with Ellington in 1919, and saxophonist Russell Procope, who joined the Ellington reed section in 1945. Wednesdays through Saturdays from nine-thirty to three, and Sundays from five-thirty to seven-thirty and nine-thirty to twelve-thirty. Norma Shepherd is at the keyboard with bassist Johnny Williams on Mondays and Tuesdays from nine-thirty to two-thirty. Snacks.

**Guitar,** 300 E. 24th St., at Second Ave. (679-9135)—With its casual atmosphere, sparely designed chairs and lamps, and large, sprawling square tables, this spacious room looks not unlike a student-union lounge. Guitarist Gene Bertoncini strums and plucks to Mike Moore's bass accompaniment through Saturday, June 22. Music from nine to one. Dinner.

**Half Note,** 149 W. 54th St. (586-5383)—Having moved this enterprise uptown from its former well-worn and warmly regarded informal quarters on Spring Street, the management has proved shrewd. The Half Note, now, by virtue of its polish, decorum, and black-tied waiters, a night club, is enjoying success on the crest of reëmerging night life in the city. McCoy Tyner and his quartet present brilliantly complex sets. Their unrelieved, vertiginously intense music can be viscerally unsettling for those listeners who don't know what they've bargained for. Art Farmer (whose flugelhorn work has lately been bright, strong, and at its innovative peak) and his quartet alternate with Tyner through Saturday, June 22, and with pianist and composer Horace Silver's quintet beginning Monday, June 24. Shows at nine-thirty, eleven-thirty, and one-thirty. On Sundays, the No Gap Generation Jazz Band, a swing group, plays from nine to two.

**Jacques,** 168 Bleecker St., at Sullivan St. (254-5920)—Popcorn and darts. Pianist Lance Hayward is present every night but Wednesday, when Jim Roberts takes over. Bassist David Steinberg helps out Fridays and Saturdays. Live sounds from nine-thirty to three.

**Jimmy Ryan's,** 154 W. 54th St. (CO 5-9505)—It's a long way from Bourbon Street, but the message is still clear. Roy Eldridge, Bobby Pratt, Dick Katz, Joe Muranyi, and Eddie Locke deliver it from nine-thirty to three. Nightly, except Sundays, when visiting musicians pay their respects. Fridays and Saturdays, from nine, pianist Steve Crist alternates with the band.



**Max's Kansas City,** 213 Park Ave. S., at 17th St. (777-7870)—With absolutely none of the characteristics of the famous Kansas City clubs of the past (e.g., the Sunset, the Subway, and the Reno), but with many of the aspects of a hip, music-laden sauna, this New York pinnacle on the overamplified folk, rock, and blues circuit might just as well have been christened Max's Secaucus. Luther Allison, a young blues singer who has recently taken on a Motown sound, appears opposite Horacee Arnold, a Max Roach-inspired drummer, and his combo. Through Monday, June 24. A rock fest begins Wednesday, June 26: the Moogy Klingman Revue, an ensemble that includes three members of Todd Rundgren's Utopia, shares the stage with Steve Lyons Show. Three shows Fridays and Saturdays, two shows other nights. On Tuesdays, folk and rock groups play from nine to midnight. Dining downstairs. Drinks and snacks upstairs, where the music is.

**Metro,** 188 W. 4th St. (675-0892)—One of New York's more informally comfortable folk-and-rock—and lately, comedy—temples, with built-in wine racks along the lacquered brick walls and three gothic chandeliers. The relatively high ceiling, which adds to the feeling of space, is constructed to look like the interior of a high-pitched roof—an unlikely illusion, since the club occupies the ground floor of a seven-story Village commercial building. Chris Rush, a high-energy comedian with a high-pitched (occasionally grating) delivery, explores some thoughtful but mostly dead-end possibilities for what was once touted as sick humor. An infrequent contributor to the *National Lampoon*, the bald, bearded, and be-denimed Rush looks like a kindly Hell's Angel. Through Monday, June 24. On Wednesday, June 26, Jimmie Walker, a young black comic who relies on ghetto-based humor, comes in. Shows at nine-thirty and eleven-thirty. Wine and cheese. Closed Tuesdays.

**Michael's Pub,** 211 E. 55th St. (PL 8-2272)—While a portrait of Henry VIII looks on from Tudored walls, conversationalists at the tables compete with the performers on the stage. The conversationalists are, for the most part, sundry businesspersons. The performers include pianist and leader Johnny Guarnieri, a distinguished sideman and soloist for more than thirty years; trumpeter Don Nottingham; drummer Cliff Leeman; bassist Major Holley; and Phil Bodner on clarinet. They play from nine to one. Woody Allen, now a standup clarinettist, performs with the Monday-night Dixieland sextet from nine to midnight. Dinner and supper. Closed Sundays.

**Mikell's,** 760 Columbus Ave., at 97th St. (864-8832)—An upper West Side gathering place with a softly lighted main room and a glassed-in sidewalk gallery, both of which have tables for drinking and dining. Wily drummer Chico Hamilton energizes a talented and youthful quintet Thursdays through Saturdays. The hours are ten until three.

**Reno Sweeney,** 126 W. 13th St. (691-0900)—A genuinely exotic night spot that boasts fresh-cut flowers on the piano and a forties campiness. Impressionist Daphne Davis trades sets with singer Janie Olivor through Saturday, June 22. On Tuesday, June 25, singers Marta Heflin and Bruce Roberts begin trading sets. Shows start at nine and midnight. Intermittent piano music is provided by pianist Jeremy Stone from eight-thirty to two. Blossom Dearie is singing at the piano in her tiny, simple, and direct voice Tuesdays through Saturdays from five-thirty to seven. Monday nights are showcases for burgeoning entertainers. Dining. Closed Sundays.

**St. Regis Room,** in the St. Regis-Sheraton, Fifth Ave. at 55th St. (PL 3-4500)—An ornate little nook with upholstered side chairs and tiny tables. Mabel Mercer's recitatives, abetted by pianist Jimmy Lyon, begin at ten and midnight Tuesdays through Saturdays until Friday, June 28, when the room closes for the season.

**Soerabaja,** 140 E. 74th St. (744-4150)—These two tiny and tired-looking rooms, with erotic (soft-core) tablecloths, are dominated by guitarist Bucky Pizzarelli. Music from nine-thirty to one, except Sundays and Mondays.

**STRYKER'S,** 103 W. 86th St., at Columbus Ave. (874-8754)—A friendly, well-maintained establishment that gives aid and comfort to those who happen to find themselves on the upper West Side. Lee Konitz, still one of the more enjoyable alto saxophonists around, heads up a trio on Wednesdays and Thursdays. Friday and Saturday, June 21-22, Vera Auer, on vibraharp, heads up a trio. Drummer Al Dreares leads a trio the following Friday and Saturday (June 28-29). The satisfying guitar duo of Chuck Wayne and Joe Puma return to the Sunday-night slot. Music from nine-thirty until three Wednesdays through Saturdays and from nine until two Sundays. Snacks.

**VILLAGE VANGUARD,** 178 Seventh Ave. S., at 11th St. (989-9011)—In its earlier days, the Vanguard (now forty) was considered a bohemian curiosity. Today, some of the best musicians in the world do their best work here. Sonny Rollins, the hard-driving, crisply melodic master of the tenor saxophone, works with his quartet until Sunday, June 23. Breezy pianist Ahmad Jamal descends the murky staircase with his trio on Tuesday, June 25. Mondays, the Thad Jones-Mel Lewis aggregation lets go with its big-band seriousness. Not always as serious but just as intense is the band's vocalist, Dee Dee Bridgewater. Music from ten.

**WEST BOONDOCK,** 114 Tenth Ave., at 17th St. (924-9723)—Right off a New York City truck route, this bar has red Afro-psychedelic walls, hundreds of gold Christmas-tree ornaments hanging from the ceiling, and a tiny (about five by ten feet) soul-food kitchen. Other assets: the piano-bass work of Hugh Lawson and Carl Pruitt Thursdays through Sundays, and the varied keyboard musings of Kenny Brawner Mondays through Wednesdays. Music from eight until two.

**WEST END CAFÉ,** 2911 Broadway, at 113th St. (666-8750)—A wood-and-brick-walled retreat primarily patronized by Columbia students. The music that is keeping the students here from their studies these days is neither folk nor rock nor glitter. It is jazz—and somewhat old-fashioned jazz at that. Mondays and Tuesdays belong to Brooks Kerr and his quartet of perfectly preserved swing-era activists—trumpeter Franc Williams, drummer Sam Woodyard, and Russell Procope on alto sax and clarinet. Annie Hurewitz, a contemporary of twenty-two-year-old Brooks Kerr, makes vocal contributions. Wednesdays, the No Gap Generation Jazz Band, led by clarinettist Art Miller, takes the stand. Thursdays and Fridays, Tiny Grimes, who plays four-string tenor guitar (an instrument often chosen by banjo players in the thirties, when the jazz guitar was just coming into its own), leads a trio. Saturdays and Sundays, tenor saxophonist Paul Quinichette and trumpeter Ed Lewis co-pilot a quartet. (Quinichette will be absent on June 22-23.) Music from nine to one. Dinner.

## BIG DEALS

(Dinner and supper, music, and all that.)

**PIERRE,** Fifth Ave. at 61st St. (838-8000)—In the **CAFÉ,** from seven-thirty until curfew, Herb Winner's dance threesome calls the tunes Tuesdays through Saturdays, and Phil Wayne's crew fills in on Sundays and Mondays. Also, Tuesdays through Saturdays, Teddy Diamond plays cocktail piano from five-thirty to seven-thirty.

**PLAZA,** Fifth Ave. at 59th St. (PL 9-3000)—The **PLAZA RESTAURANT,** newly redecorated and renamed (in recent years, it has been known variously as the Edwardian Room and the Green Tulip), is back in business with dinner music by violinist George Cardini and pianist Jules Feuerstein. Their hours are six to nine-thirty Mondays through Fridays. . . . ¶ In the **PALM COURT,** violinist Ernest Schoen and pianist Jules Kuti are on hand Tuesdays through Saturdays from four-thirty to nine-thirty, while pianist Ruth Andrews provides the music from nine-thirty to one. Sandu Marcu does the fiddling on Sundays from four to seven and seven-thirty to midnight, and Mondays from five to seven and eight to midnight.

**RAINBOW GRILL,** 30 Rockefeller Plaza. (PL 7-8970)—Within a beautiful balloon on permanent station above midtown. Singer and trumpeter Pat Galo and his entourage perform during dinner and supper. The dance tunes, which begin at eight, are on tape. Closed Sundays.

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**RAINBOW ROOM,** 30 Rockefeller Plaza. (PL 7-9090)—On this sixty-fifth-floor height, Eleanor Fell plays harp from seven to eleven, Tuesdays through Sundays.

## ART

(Unless otherwise noted galleries are open weekdays from around 10 or 11 to between 5 and 6.)

### GALLERIES—UPTOWN

**IRWIN BERMAN**—Painted photosensitized canvases resulting in distorted portraits. Through Saturday, June 29. (Lerner-Heller, 789 Madison Ave., at 67th St. Closed Mondays.)

**ALEXANDER CALDER**—Twenty-four Aubusson tapestries that felicitously reproduce the artist's expansive abstract designs in clear red, yellow, blue, white, and black. Through Saturday, June 29. (Hutton, 967 Madison Ave., at 75th St. Closed Mondays.)

**ANTONIO R. DE TRUJILLO**—Abstract paintings that often resemble aerial landscapes. Through July 6. (Phoenix, 939 Madison Ave., at 74th St. Closed Mondays.)

**ERNST FUCHS**—Paintings, drawings, graphics, and sculptures, some of Byzantine complexity in both subject matter and execution, and some commercially sleek. Through Friday, June 28. (Aberbach, 988 Madison Ave., at 77th St. Closed Mondays.)

**GEORGES LACOMBE** (1868-1916)—Fifty watercolors, pastels, and black-and-colored-crayon drawings by a member of the Nabi group. Through July 31. (Shepherd, 21 E. 84th St. Closed Monday mornings.)

**KNOX MARTIN**—Three series of paintings (entitled "Reclining Woman," "Woman Seated," and "Woman's Bust") in which the figure is fragmented, abstracted, and varied in color scheme. Through Saturday, June 22. (Ingber, 3 E. 78th St.)

**NATHANAEL NEUJEAN**—Figurative sculptures in bronze. Through Saturday, June 29. (Rolly-Michaux, 943 Madison Ave., at 69th St. Closed Mondays.)

**WILLIAM PEREHUDOFF**—Color-field paintings of unusual energy, by a Canadian artist. Through Saturday, June 29. (Goldowsky, 1078 Madison Ave., at 81st St. Closed Mondays.)

**T. ADDISON RICHARDS** (1820-1900)—Small, idyllic landscape drawings from the eighteen-fifties, based on the artist's peregrinations in the East and Southeast of this country. A number became illustrations for *Harper's New Monthly Magazine*, for which he also wrote. Through July 26. (Washburn, 820 Madison Ave., at 68th St. Closed Mondays.)

**EGON SCHIELE** (1890-1918)—Thirty-five drawings, many of them touched with a light wash of color, by this Austrian Expressionist, who was a skilled draftsman with a predilection for bony bawds. Through July 10. (Sabarsky, 987 Madison Ave., at 77th St. Closed Mondays.)

**ANN SPERRY**—Bronze and aluminum sculptures, mostly global shapes combined with severed sections of a tiny baby-doll figure. Through Saturday, June 29. (Rankow, 108 E. 78th St. Closed Mondays.)

**GROUP SHOWS**—At the **ALONZO,** 26 E. 63rd St.: Works in various mediums by gallery and guest artists. Through July 25. (Tuesdays through Thursdays, 10:30 to 5.) . . . **BYKERT,** 24 E. 81st St.: Sculptures by Alan Buckley and paintings by Peter Gourfain, Aris Koutroulis, and Alan Uglow. Through Thursday, June 27. (Closed Mondays.) . . . **CENTER FOR INTER-AMERICAN RELATIONS,** 680 Park Ave., at 68th St.: More than two hundred pre-Columbian gold objects from the Museo del Oro in Bogotá, Colombia, including pieces from seven archeological regions. Through July 28. (Daily, noon to 6.) . . . **CORDIER & EKSTROM,** 980 Madison Ave., at 76th St.: Paintings and sculptures by gallery artists. Through July 12. (Closed Saturdays.) . . . **ELLIOTT,** 1018 Madison Ave., at 79th St.: Recent acquisitions by Ernst, Magritte, Masson, Miró, and Tanguy. Through July 27. . . . **ESMAN,** 24 E. 80th St.: Drawings, collages, and paintings by thirteen artists emphasizing various approaches to paper (folding, cutting, spraying, punching, or whatever). Through Saturday, June 29. (Closed Mondays.) . . . **FELDMAN,** 33 E. 74th St.: Arakawa, Beuys, Wilke, and other contemporaries. Through July 25. (Closed Saturdays.) . . . **GRAHAM,** 1014 Madison Ave., at 78th St.: Small paintings, drawings, and watercolors by Thomas Hart Benton, Thomas Cole, Max Weber, and others. Through Aug. 30. . . . ¶ Drawings by Wyndham Lewis, Jules Pascin, and other European and American artists. Through July 5. (Closed Saturdays.) . . . **HIRSCHL & ADLER,** 21 E. 67th St.: American folk art, American contemporary artists, and European and American paintings from the gallery's collection. Through Aug. 30. (Closed Saturdays.) . . . **KNOEDLER CONTEMPORARY ART,** 19 E. 70th St.: Paintings by Frank Stella, Olitski, Dzubas, and other gallery artists. Through Saturday, June 29. . . . **KORNBLEE,** 58 E. 79th St.: Works in various mediums by artists who have never before shown in New York. Through Saturday, June 29. (Closed Mondays.) . . . **LARCADA,** 23 E. 67th St.: More than a hundred and fifty paintings by Rockwell Kent, Walter Stuempfig, Kaffe Fassett, and others. Through Aug. 31. . . . **NICHOLLS,** 1014 Madison Ave., at 78th St.: "Sports and Games," an exhibition of cartoons, watercolors, and drawings by Charles Addams, Whitney Darrow, Jr., Charles E. Martin, Warren Miller, Frank Modell, George Price, Charles Saxon, James Stevenson, and Barney Tobey. Through July 26. (Mondays through Fridays, noon to 5.) . . . **ZIERLER,** 956 Madison Ave., at 75th St.: Paintings by Bailey, Camacho, Danby, and others. Through Friday, June 28. (Closed Saturdays.)

**SCULPTURE**—At the **SCULPTURE CENTER,** 167 E. 69th St.: Examples by gallery artists and students. Through Saturday, June 22. . . . **WEINTRAUB,** 992 Madison Ave., at 77th St.: Arp, Braque, Giacometti, Lipchitz, Manzù, Marini, Miró, Moore, Poncet, and others. Through June 30. (Closed Mondays.)

### GALLERIES—57TH STREET AREA

**PAT ADAMS**—Spattered abstractions with overlying linear and geometric configurations. Through Saturday, June 22. (Zabriskie, 29 W. 57th St.)

**LYMAN KIPP / TADAAKI KUWAYAMA**—Aluminum sculptures. / Paintings composed of fields of metallic color divided by thin strips of metal. Through July 20. (René, 6 W. 57th St. Closed Mondays.)

**OSAMU SHIMODA**—Geometric iron sculptures, most of them painted maroon and most appearing precariously balanced. Through Friday, June 28. (Schaefer, 41 E. 57th St. Closed Mondays.)

**GROUP SHOWS**—At the **CRISPO,** 41 E. 57th St.: A large benefit loan exhibition called "Ten Americans: Masters of Watercolor." It includes work by Avery, Burchfield, Demuth, Dove, Homer, Hopper, Marin, Prendergast, Sargent, and Wyeth. Through June 30. (Closed Mondays.) . . . **FRUMKIN,** 41 E. 57th St.: Paintings by gallery artists, plus ceramic sculptures by Californians. Through July 31. (Closed Saturdays.) . . . **KENNEDY,** 20 E. 56th St.: "Western American Art," a show of paintings, bronzes, and drawings by Remington, Bierstadt, Moran, and others. Through July 12. (Closed Saturdays.) . . . **LEWISON,** 30 E. 60th St.: Nineteenth- and early-twentieth-century American painters, including Bierstadt, Sully, and Hart. Through Sept. 1. (Closed Mondays and Saturdays.)

### GALLERIES—SoHo

**STEPHEN BECK / ART OAKES**—Surreal paintings. / Rubber and fluorescent-tubing sculptures. Through Wednesday, June 26. (Hutchinson, 127 Greene St. Closed Mondays.)

**LARRY BENNETT / GERALD MORIN**—Paintings of couches and chairs. / Aluminum wall sculptures. Through Friday, June 28. (Cuningham Ward, 94 Prince St. Closed Mondays and Saturdays.)

**WILLIAM FINNERAN / BRIAN KAZLOV / AVITAL OZ**—Conceptual sculptures. / Paintings. / Sculptures. Starts Saturday, June 22. (O.K. Harris, 465 West Broadway. Closed Mondays.)

**JOYCE REZENDES / MISSEN HERLUF JENSEN**—Paintings. / Drawings inspired by Kurt Vonnegut, Jr.'s, "Cat's Cradle." Through July 6.

(Razor, 464 West Broadway. Closed Mondays.)

**Susan Weil**—Ink on crushed paper. Through Thursday, June 27. (112 Greene St. Closed Mondays.)

**Group Shows**—At the A.I.R., 97 Wooster St.: Invited women artists, mostly from the New York area. Through July 2. (Closed Mondays.). . . BENEDEK, 380 West Broadway: Minimal paintings and sculptures by eight artists. Through Saturday, June 29. (Closed Mondays.). . . CALDWELL, 383 West Broadway: Abstract paintings. Through Thursday, June 27. (Closed Mondays.). . . COOPER, 155 Wooster St.: Paintings and sculptures by gallery artists. Through Friday, June 28. (Closed Saturdays.). . . HOFFMAN, 429 West Broadway: A cross-section of contemporary drawing, by twenty-four artists, who range from pure abstractionists to pure realists. Through June 30. (Closed Mondays.). . . MEISEL, 141 Prince St.: Abstract and realist paintings. Through Saturday, June 29. (Closed Mondays.). . . SOHO 20, 99 Spring St.: Graphics, paintings, and sculptures by a feminist coöperative called "12 Women Artists of Westchester." Through July 13. (Tuesdays through Sundays, noon to 5.). . . WESTBROADWAY, 431 West Broadway: Seven painters, two sculptors, a photographer, and a weaver from a coöperative gallery in Richmond, Virginia. Through July 6. (Closed Mondays.)

## OTHER GALLERIES

**Edward Gorey**—Twenty-five drawings used as illustrations for Howard Moss's "Instant Lives." Through Saturday, June 29. (Gotham Book Mart, 41 W. 47th St.)

**Claes Oldenburg**—A nine-thousand-pound, eighteen-foot steel sculpture, "Geometric Mouse—Scale X," in which the genes of his forebear Mickey come shining through. Through Aug. 1. (Hammarskjöld Plaza Sculpture Garden, Second Ave. at 47th St.)

**José Guadalupe Posada** (1852-1913)—Original prints by this mordant Mexican pamphleteer-artist. Through Aug. 31. (Washington Irving Gallery, 126 E. 16th St. Daily, except Mondays, 1 to 6.)

**Group Shows**—At the AFRICAN-AMERICAN INSTITUTE, 833 United Nations Plaza, at 47th St.: Paintings and sculptures by four contemporary African artists. Through Aug. 31. (Mondays through Fridays, 11 to 7; Saturdays, noon to 6.). . . BRATA, 56 Third Ave., at 10th St.: Drawings, paintings, and sculptures by de Kooning, Milton Resnick, Peter Agostini, and others. Through Friday, June 28. (Closed Mondays and Saturdays.). . . FEIDEN, 51 E. 10th St.: Gallery artists, including Hirschfeld, Gikow, and Will Barnet. Through Aug. 31. (Mondays through Fridays, 11 to 7; Saturdays, noon to 6.). . . LOEB STUDENT CENTER, Washington Sq. S. and LaGuardia Pl.: Works on and of paper by four New York City artists. Through July 25. (Closed Saturdays.). . . NEW SCHOOL, 65 Fifth Ave., at 14th St.: "Three Centuries of French Satire (1614-1914)," an exhibit on loan from the print collection of the Bibliothèque Nationale, in Paris. Through July 6. (Mondays through Thursdays, noon to 8; Fridays and Saturdays, 10 to 5.)

## PHOTOGRAPHY

**Lotte Jacobi**—This seventy-eight-year-old German-born photographer, who came to this country in 1935 and now lives in Deering, New Hampshire, is one of the finest portrait photographers of our time; she has photographed Einstein, Chagall, Robert Frost, Max Planck, Theodore Dreiser, Ilya Ehrenburg, Vicki Baum, Edward Steichen, Peter Lorre, Louis Bromfield, and Kurt Weill, among other notables, and her portraits are marked by a psychological penetration and a humanism and optimism about people that are given to few photographers to achieve. This exhibition, however, is of the abstractions that Miss Jacobi began doing in the fifties, which are called "photogenics" and, like Man Ray's "rayographs," are produced without a camera by means of the special properties of photosensitized paper. But unlike Ray, who placed objects on the paper before exposing it, Jacobi uses light alone to create her forms. She takes a flashlight to the darkroom and does a kind of Action painting with it (cellophane and paper masks are used to control the beam diameter), creating abstractions of a singular beauty and authority. Exquisite, delicate curves, reminiscent of nuns' cowls and the corollas of lilies, recur in these works, whose gossamer gray tonalities abet the impression of serenity and fragility. Many photographers have taken little vacations from their real work to fool around with the medium (Kertész's distortion series, for example), but few have stumbled on art in the process of playing with process, as Jacobi has triumphantly, mysteriously done. Through July 31. (Light, 1018 Madison Ave., at 79th St. Closed Mondays.)

**Edward Steichen** (1879-1973)—This exhibition of fifty photographs features early Photo-Secession works and aerial views of First World War battlefields. Among the Photo-Secession pictures—which look like engravings and black-and-white reproductions of paintings—are such masterpieces as the portrait of Yvette Guilbert, exuding vitality and confidence, hand on hip, with eyes and teeth that shine like the pearls strung around the crown of her big hat, and the most charming picture of Shaw ever taken, showing his dimple and the geniality of spirit that is at the heart of his wit. Also, there is a romantic self-portrait of the photographer and his wife, looking like characters in a Turgenev novel, and a work entitled "The Man That Resembles Erasmus," who does. The aerial views—now that aerial views are commonplace—are of more historic than visual interest. Through July 27. (Elliott, 1018 Madison Ave., at 79th St.)

**Ansel Adams**—The first museum show here of the seventy-two-year-old master photographer known for his landscapes of the Western wilderness. The show is being held on two floors, which some viewers may be unaware of. Through June 30. (Metropolitan Museum, Fifth Ave. at 82nd St. Tuesdays, 10 to 8:45; Wednesdays through Saturdays, 10 to 4:45; Sundays, 11 to 4:45.). . . ¶A retrospective. Through July 13. (Witkin, 243 E. 60th St. Tuesdays through Saturdays, 11 to 6, and Thursday evenings until 8.)

**Fritz Henle**—Sixty-seven works by a photographer who worked for *Life*, *Mademoiselle*, *Fortune*, and *Harper's Bazaar*. Through July 7. (New York Cultural Center, 2 Columbus Circle. Daily, except Mondays, 11 to 6.)

**Norman Lerner / Edward S. Curtis** (1868-1952)—Photographs of nudes. / Gravures of the American Indian. Through Saturday, June 29. (Neikrug, 224 E. 68th St. Thursdays through Saturdays, 1 to 6; Sundays, 2 to 5.)

**Group Shows**—At the SCHOELKOPF, 825 Madison Ave., at 69th St.: With "The Art of the Portrait Photograph," this gallery launches a new section on the second floor devoted exclusively to photography, though the current show is so large (nearly two hundred works) that it occupies the fourth floor as well. The exhibition spans the entire history of photography, beginning with a picture taken in 1840 by Hippolyte Bayard and ending with pictures taken in the nineteen-sixties; it includes work by just about every important photographer one can think of, and reminds us that the history of photography is, in fact, very largely the history of portrait photography; the human face is as central to the medium as the human body is to sculpture. Although many of the photographs in the show are well-known works (Brassaï's Genet, Berenice Abbott's Joyce, Yousef Karsh's Schweitzer, Ansel Adam's Weston, Cartier-Bresson's Matisse, and David Seymour's priceless picture of Berenson contemplating a reclining nude statue, for example), there is also a lot of work here that has not (yet) suffered from the overexposure that has become one of the less happy results of the proliferation of photography galleries and the increase in museum photography shows. One such fresh work is the photograph by Lewis W. Hine entitled "Waiting for the Return of Health in a Massachusetts Institution," which shows a handsome old woman, dressed in a soft wool bedjacket, sitting up in a hospital bed, with a potted geranium on her bedside table, and staring straight at the photographer with an unforgettable expression of reproach and resignation. Another new sight is a series of gravures by A.L. Coburn, taken from a book called "Men of Mark," which includes Henry James, John Galsworthy, Theodore Roosevelt, G.K. Chesterton, and Ezra Pound, and is interesting both for its subjects and as an example of Photo-Secession work at its least mannered. If there is a general conclusion about portrait photography to be drawn from this vast anthology, it is that it lacks the psychological depth and universality of portrait painting. The camera brings out the differences between individuals rather than their common humanity, isolating their special qualities and stressing their particular

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BONWIT TELLER

# GOINGS ON ABOUT TOWN

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historical periods. The uncanny ability of great portrait painters to make us recognize ourselves and people we know in faces of Venetian noblemen and Dutch burghers and Spanish infantas is beyond the powers of even the greatest photographers, who can only grasp at the partial truth of arrested time. Through July 19. (Closed Mondays and Saturdays.)... **LIGHT,** 1018 Madison Ave., at 79th St.: A show of excellent and innovative work by four young photographers, suggesting that straight photographic technique and avant-garde sensibility are not inimical. John McWilliam's photographs convey—so that one can almost feel it—the heat of summer in Georgia: a languorous girl, a man under an outdoor shower, and a misty bayou are some of the images that make up this photographer's oppressive, motionless, enervated silent world. Chris Enos's studies of parts of handsome nude bodies (some single and others entwined) are extraordinarily fresh and interesting; Robbert Flick's serene landscapes—many taken in snow—evoke America seen from the highway in all its bland, flat, unpicturesqueness; Steve Salmieri's work is more artificial than that of the three other photographers, but sometimes succeeds in its attempt to impose beauty and order on the world of ugly and tawdry domestic objects. A picture, shot from above, of a man and woman in bed by this photographer takes one back to the elaborate staged tableaux of early photography, for all its pubic hair. Through July 31. (Closed Mondays.)... **JEWISH MUSEUM,** Fifth Ave. at 92nd St.: A large show of photographs of Jerusalem by twenty-one photographers from various countries. Through Sept. 3. (Mondays through Thursdays, noon to 5; Sundays, 11 to 6.)... **MIDTOWN "Y" GALLERY,** 334 E. 14th St.: Abbott, Atget, Brassaï, Tice, Weston, and others. Through Sunday, June 23. (Mondays through Thursdays, noon to 8; Fridays and Sundays, noon to 4.)... **MUSEUM OF MODERN ART,** 11 W. 53rd St.: Forty-five photographs of public institutions (hospitals, fire and police departments, schools, and the like), drawn from the Harvard Social Ethics Collection, where they are used as documents for sociology students. Those in the show are dated from 1890 to 1906 and were taken by both currently celebrated and ever obscure photographers. (Weekdays, 11 to 6, and Thursday evenings until 9; Sundays, noon to 6.)... **NEIKRUG,** 224 E. 68th St.: Work by Steichen, Stieglitz, and other Old Masters. Through Saturday, June 29. (Thursdays through Saturdays, 1 to 6; Sundays, 2 to 5.) ... **NEW-YORK HISTORICAL SOCIETY,** 170 Central Park W., at 77th St.: A large show of photographs of lower Manhattan by fourteen photographers. Through Aug. 31. (Tuesdays through Fridays, and Sundays, 1 to 5; Saturdays, 10 to 5.)... **SOHO PHOTO,** 30 W. 13th St.: Seven photographers. Through June 30. (Saturdays and Sundays, 1 to 6; Tuesdays, 7:30 P.M. to 9 P.M.)

## MUSEUMS AND LIBRARIES

**MUSEUM OF MODERN ART,** 11 W. 53rd St.—A few years ago, the museum inaugurated a series of exhibitions called "Projects," which are always mounted in the same place on the first floor, in a warren of maid's-room-size galleries near the cafeteria, and are intended to keep the museum-going public abreast of the activities of the avant-garde. The current project—a collaboration by Sonya Landy Sheridan and Keith Smith—presents nine oversize likenesses of the same naked man printed on six different materials, such as cotton, polyester fabric, mylar, zinc etching plates, and bridal satin. Each hanging is broken up into thirty or more squares of equal size, because each is made up of photographs taken by an office copying machine that produces color prints on letter-size paper. This means that the collaborators had to move the model thirty times across the machine's scanning plate in order to get him completely copied. Then, piece by piece, they ironed the picture onto the various background materials, in some cases first making enlargements of the original segments. The results reflect the hard work that went into the project, but the subject, for some reason, is not as fascinating as one would expect. Through July 14.... ¶ A show of almost two hundred works surveying seven decades of drawing in France, beginning in the eighteen-eighties with Seurat and Redon and concluding with the death of Matisse in 1954. Through Sept. 8.... ¶ "Printed, Cut, Folded, and Torn," a show of works on and of paper by Lucio Fontana, Richard Tuttle, and others. Through Aug. 11. (Weekdays, 11 to 6, and Thursday evenings until 9; Sundays, noon to 6.)... **NOTE:** The museum's sculpture garden, 8 W. 54th St., is open free, Fridays through Sundays, 6 to 11. Casual entertainment Fridays and Saturdays at 8: folk stuff, ballet, and such.

**METROPOLITAN MUSEUM,** Fifth Ave. at 82nd St.—More than a hundred paintings by Venetian painters of the fourteenth century to the eighteenth, including Titian, Tintoretto, and Veronese. Through July 14.... ¶ The complete set of ten tapestries—the "David and Bathsheba" series—from the Cluny Museum, in Paris, four of which were included in the recent tapestry exhibition here. The showing is supplemented by armor, weapons, and furniture of the period from the museum's collection. Through Sept. 3.... ¶ Twelve examples of the American art of quiltmaking of the nineteenth and early twentieth centuries. Through Sept. 8.... ¶ "The Tens, the Twenties, the Thirties: Inventive Clothes/1909-1939" is an exhibition of a hundred and fifty dresses from the great days of Chanel, Poiret, Vionnet, and others. Through Sept. 3.... ¶ A hundred and forty paintings, drawings, sculptures, prints, and other objects illustrating the legends of fifty saints. Through Sept. 3.... ¶ Sketches, models, and enlarged photographs of twenty-two public sculptures (by Saint-Gaudens, Daniel Chester French, and others), erected in New York City during the nineteenth century. Through Sept. 29. (Tuesdays, 10 to 8:45; Wednesdays through Saturdays, 10 to 4:45; Sundays, 11 to 4:45.)

**GUGGENHEIM MUSEUM,** 1071 Fifth Ave., at 89th St.—More than two hundred sculptures, paintings, and drawings by Alberto Giacometti (1901-66), tracing his work from his early pictorial and Cubist phases through his Surrealist and mature styles. A corollary exhibition includes about a hundred paintings by the artist's father, his cousin, and his godfather. Through Sunday, June 23. (Tuesdays, 10 to 9, with no admission charge from 6 to 9; Wednesdays through Saturdays, 10 to 6; Sundays, noon to 6.)

**WHITNEY MUSEUM,** 945 Madison Ave., at 75th St.—A retrospective of paintings by Jacob Lawrence, depicting the black experience in America. Through July 7. (Weekdays, 11 to 6, and Tuesday evenings until 10; Sundays, noon to 6.)

**WHITNEY DOWNTOWN MUSEUM,** 55 Water St., two blocks south of Wall St.—An exhibit of ceramic art, primarily from the West Coast. Through July 4. (Mondays through Fridays, 11 to 3.)

**BROOKLYN MUSEUM,** Eastern Parkway—Paintings, watercolors, drawings, and sculptures by Cézanne, van Gogh, Degas, Toulouse-Lautrec, Soutine, and others, from the collection of Mr. and Mrs. Henry Pearlman and the Henry and Rose Pearlman Foundation. Through Sept. 29.... ¶ Puerto Rican stone and terra-cotta artifacts from the Taino culture (1000 to 1500 A.D.). Through Sept. 29. (Wednesdays through Saturdays, 10 to 5; Sundays, 11 to 5.)

**AMERICAN MUSEUM OF NATURAL HISTORY,** Central Park W. at 79th St.—The eleven-foot skeleton of Jumbo is starred in a circus exhibit that includes circus posters and other Big Top memorabilia. Through June 30. (Weekdays, 10 to 4:45; Sundays, 11 to 5.)

**AMERICAN ACADEMY AND NATIONAL INSTITUTE OF ARTS AND LETTERS,** Broadway at 155th St.—Works by newly elected members and by recipients of this year's honors and awards. Manuscripts by E. B. White, John Barth, Anaïs Nin, Elizabeth Hardwick, and others; paintings, sculptures, and drawings by Saul Steinberg, Helen Frankenthaler, Reuben Nakian, and others. Through Sunday, June 23. (Daily, except Mondays, 1 to 4.)

**MORGAN LIBRARY,** 29 E. 36th St.—Fifty medieval manuscripts acquired by Pierpont Morgan from 1899 until 1913 (the year of his death), as well as medieval art objects with which he adorned the west room of the library. Foremost of the latter is the Stavelot Triptych, a reliquary containing six Mosan enamels of the twelfth century. Through July 31.... ¶ Forty Rembrandt etchings. The exhibit is noteworthy in that it includes not only a number of celebrated prints but, in several instances, different states and differently inked impressions of the same subject. Through July 31.... ¶ Thirty manuscripts by Petrarch, celebrating the six-hundredth anniversary of the poet's death. Through Friday, June 28. (Tuesdays through Saturdays, 10:30 to 5; Sundays, 1 to 5.)

**MUSEUM OF CONTEMPORARY CRAFTS,** 29 W. 53rd St.—Two hundred or so American craft objects, on loan from collectors all over the country. Through Sept. 1. (Tuesdays through Saturdays, 11 to 6; Sundays, 1 to 6.)

**MUSEUM OF PRIMITIVE ART,** 15 W. 54th St.—Three small exhibitions (of stone carvings, wooden sculptures, bronzes, ceramic vessels, and other objects) illustrating the use of art to invoke the supernatural in New Guinea, Nigeria, and the pre-Columbian Andes. Through Sept. 8. (Wednesdays through Fridays, 11 to 5; Saturdays, noon to 5; Sundays, 1 to 5.)

**MUSEUM OF THE CITY OF NEW YORK,** Fifth Ave. at 104th St.—A tribute to Eugene O'Neill, including original manuscripts, photographs, portraits and paintings, costume and set designs, and memorabilia (his personal three-dollar check for a subscription to the *Times* in 1920, for instance). Through Sept. 29. (Tuesdays through Saturdays, 10 to 5; Sundays, 1 to 5.)

**NEW YORK CULTURAL CENTER,** 2 Columbus Circle—A retrospective of the career of Max Reinhardt, including stage and costume designs, director promptbooks, and production photographs. Through Aug. 4. (Daily, except Mondays, 11 to 6.)

**NEW YORK PUBLIC LIBRARY,** Fifth Ave. at 42nd St.—"Fair and Foul" is the name of an agreeable exhibition of prints on the third floor, all pertaining to (mostly foul) weather. Through Sept. 6.... ¶ An extensive exhibition devoted to Washington Irving. Among several hundred items on display are the only known portion of the manuscript of "The Legend of Sleepy Hollow;" unpublished sketches for Irving's works by F. O. C. Darley, the mid-nineteenth-century book illustrator; and rare editions of *Salmagundi* and "The Sketch Book." Through Oct. 12. (Weekdays, 9 to 5.)

**NEW YORK PUBLIC LIBRARY AT LINCOLN CENTER**—More than ninety stage and costume designs by the Russian-born Constructivist Alexandra Exter (1882-1949). Through Aug. 10. (Mondays through Thursdays, 10 to 9; Fridays and Saturdays, 10 to 6.)

## MUSIC

### JAZZ/FOLK/ROCK/ETC.

**NEWPORT JAZZ FESTIVAL/NEW YORK**—The opening performances in a ten-day series that will be taking place in five halls and on a ferryboat. For information about tickets to anything, anywhere, call 787-2020. First out of the starting gate, on Friday, June 28, at 7:30 and 11:30: "The Musical Life of Charlie Parker," a New York Jazz Repertory Company concert, with Jay McShann, Billy Eckstine, Earl Hines, Dizzy Gillespie, Sonny Stitt, Phil Woods, Charles McPherson, and Jackie McLean. (Carnegie Hall.)... ¶ Saturday, June 29, at 1: "Music of the New Breed," with Norman Connors, Roland Hanna, Dewey Redman, and Michal Urbaniak. (Carnegie Hall.)... ¶ Saturday, June 29, at 8: "The Schlitz Salute to Café Society," with Josephine Baker, Dorothy Donegan, Rose Murphy, Sammy Price, the Dixie Hummingbirds, and Teddy Wilson. (Carnegie Hall.)... ¶ Saturday, June 29, at 8: An evening with Nina Simone. (Avery Fisher Hall, Lincoln Center.)... ¶ Saturday, June 29, at midnight: "A Jam Session for Duke," with Gary Burton, Roy Eldridge, Art Farmer, Stan Getz, Dizzy Gillespie, Roy Haynes, Earl Hines, Budd Johnson, Gerry Mulligan, Jimmy Smith, Sonny Stitt, Teddy Wilson, Bobby Blue Bland, Paul Butterfield, Jay McShann, and others. (Radio City Music Hall.) Once again, for information about tickets to any of this, call 787-2020.

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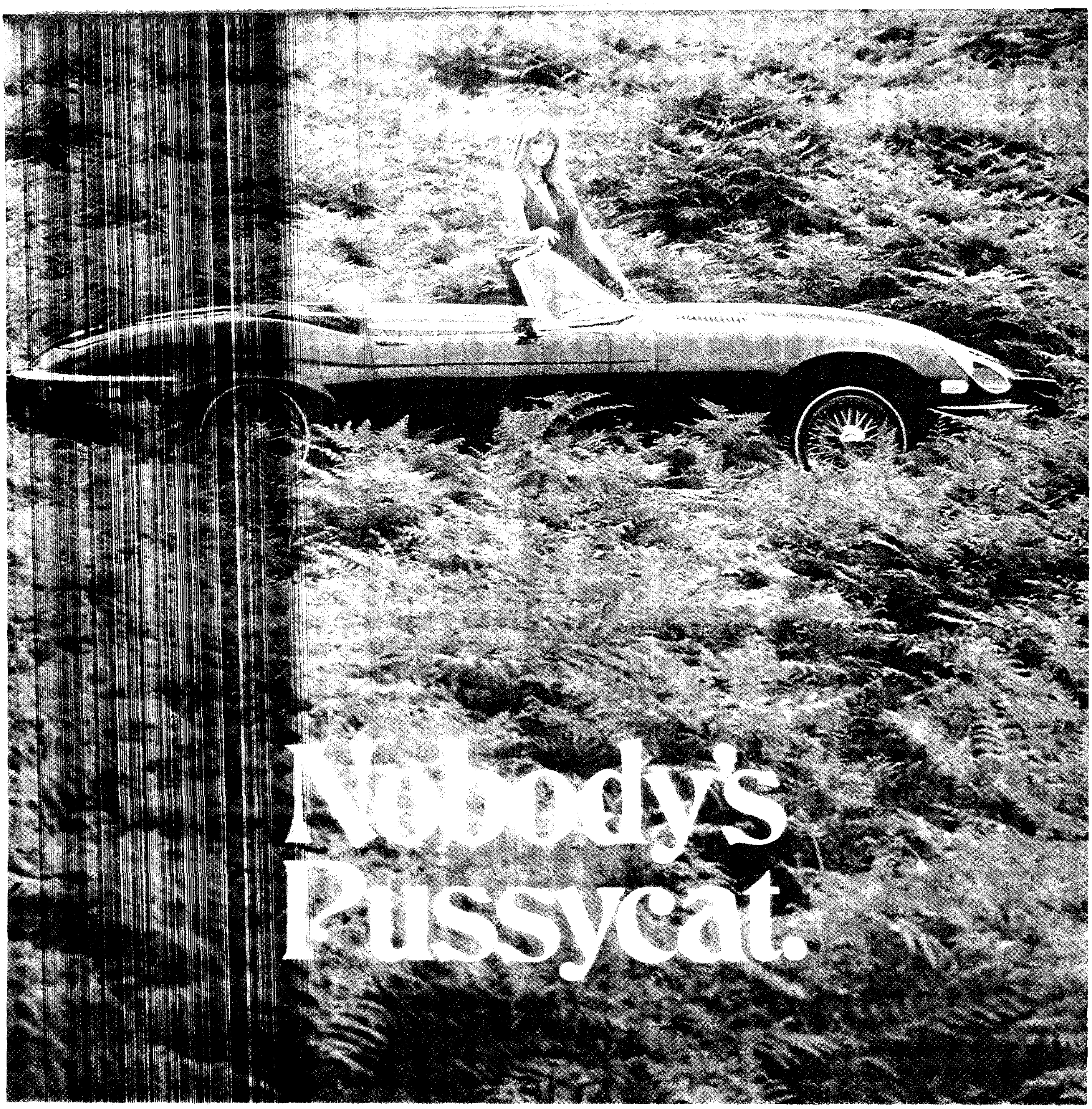

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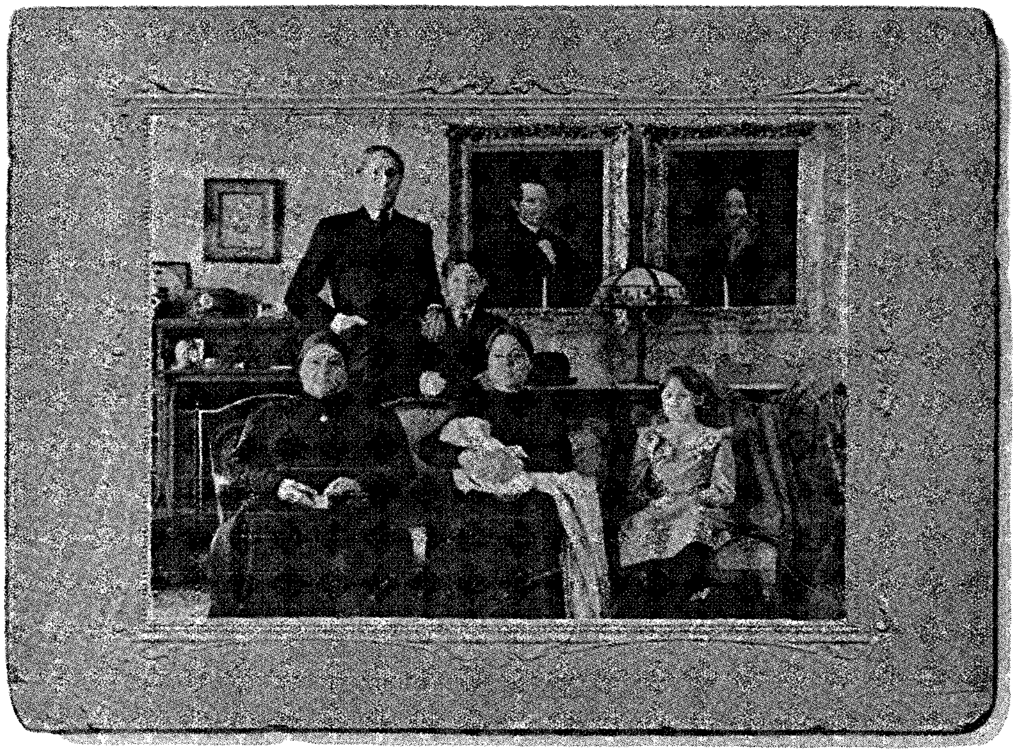

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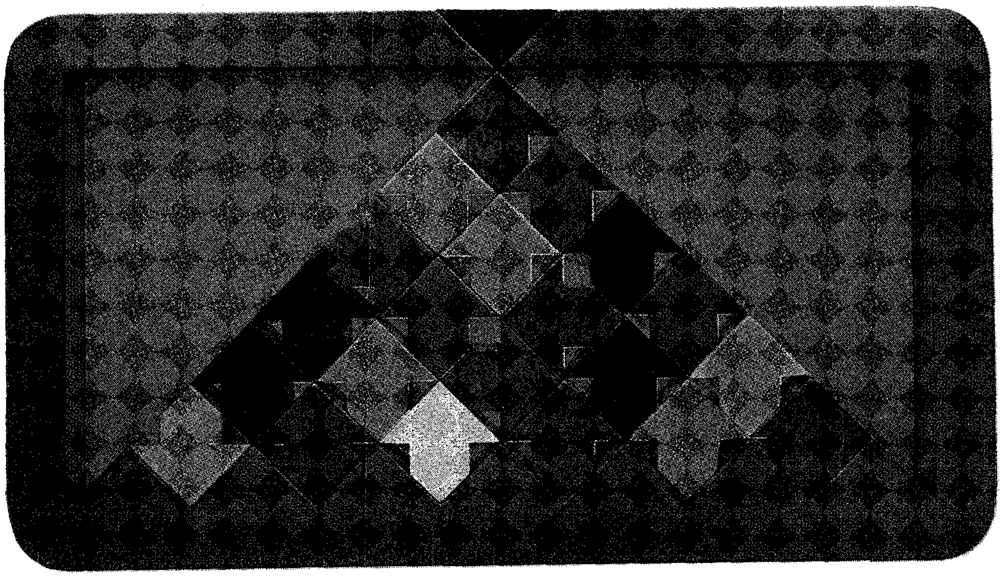

artist: per vollquartz "government: triangle and people"

**The ideal**

A nation in which those elected truly represent the will of those who elected them–for the good of all.

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# GOINGS ON ABOUT TOWN

negie Hall. CI 7-7450. Thursday, June 20, at 8.

**Tom Paxton**—Avery Fisher Hall, Lincoln Center. TR 4-2424. Saturday, June 22, at 8:30.

**Clyde Bernhardt/Jay Cole Harlem Blues and Jazz Band**—New York Jazz Museum, 125 W. 55th St. Sunday, June 23, at 3. No tickets necessary.

**Edgar Winter Group (with Rick Derringer) and Robin Trower**—Madison Square Garden, Eighth Ave. between 31st and 33rd Sts. 564-4400. Friday, June 28, at 8.

### IN THE COUNTRY

**Caramoor Festival**—Opening performances of the season, which will be devoted to music from Vienna and will run through Sunday, Aug. 25—Saturday, June 22, at 8:30: Julius Rudel conducting the Caramoor Festival Orchestra, with Elly Ameling, soprano. . . . ¶ Sunday, June 23, at 5:30: The Tokyo String Quartet, with Lorin Hollander, piano. . . . ¶ Friday, June 28, at 8:30: Margherita Hastings directing the a-cappella Musica Reservata in a program of Renaissance and romantic music from the Empires of the two Maximillians and the Vienna of Schubert, Brahms, and Richard Strauss. . . . ¶ Saturday, June 29, at 8:30: Hans Bauer conducting the Caramoor Festival Orchestra and Chorus, with Philip Sterling, narrator. . . . ¶ Sunday, June 30, at 5:30: The New York Chamber Soloists, with Charles Bressler, tenor. (Katonah, N.Y. Buses leave from the back of the New York State Theatre, Lincoln Center, two hours before the scheduled times of the performances; reservations must be made in advance. For information about tickets, and buses, call 914 232-4206.)

**Saratoga Performing Arts Center**—Friday, June 21, at 8: Chuck Mangione with a concert orchestra. . . . ¶ Saturday, June 22, at 8: Herbie Mann and the Family of Mann, Freddie Hubbard, and Joe Farrell. . . . ¶ Sunday, June 23, at 8: Two Generations of Brubeck and the Preservation Hall Jazz Band. . . . ¶ Tuesday, June 25, at 7: Gordon Lightfoot. (Saratoga Springs. Through Sunday, Sept. 15. For information about tickets, call 541-7290, in New York.)

## SPORTS

**Baseball**—At Shea Stadium—**METS**: Vs. Atlanta, Wednesday, June 19, at 4:15. . . . ¶ St. Louis, Thursday and Friday, June 27-28, at 8:05, and Saturday, June 29, at about 2:15 (the annual Old-Timers Day festivities will start at 1:30, and will include a couple of innings involving Willie Mays, Bill Mazeroski, Ron Swoboda, Ken Boyer, and other major-league stars of past years). . . . **YANKEES**: Vs. Detroit, Friday, June 21, at 8; Saturday, June 22, at 2; and Sunday, June 23, at 1 (doubleheader). . . . ¶ Cleveland, Monday and Tuesday, June 24-25, at 8, and Wednesday, June 26, at 2.

**Polo**—At Bethpage Polo Field, Farmingdale, L.I.: Sundays at 3.

**Racing**—At **BELMONT**: Daily at 1:30; through Saturday, June 22. The Coaching Club American Oaks, Saturday, June 22. (Frequent trains will leave Penn Station for the track Wednesday through Friday between 10:15 and 1, and Saturday between 10:15 and 1:15.) . . . **AQUEDUCT**: Weekdays at 1:30, from Monday, June 24, through Saturday, July 27. The Saranac, Monday, June 24; the Nassau County Handicap, Wednesday, June 26; and the Sheepshead Bay Handicap, Saturday, June 29. . . . **MONMOUTH PARK**, Oceanport, N.J.: Weekdays at 2; through Saturday, Aug. 24. The Molly Pitcher Handicap, Saturday, June 29. (A special train leaves Penn Station for the track at 11:48.) . . . **WOODBINE**, Toronto: The Queen's Plate, Saturday, June 29.

**Trotting**—At **ROOSEVELT RACEWAY**, Westbury: Weekdays at 8; through Saturday, July 20. . . . **SARATOGA RACEWAY**, Saratoga Springs: Weekdays at 8:15; through Saturday, Nov. 16.

**Yachting**—Start of the Newport-to-Bermuda race, Friday, June 21. . . . ¶ America's Cup preliminary trials. (Newport. Monday through Saturday, June 24-29.)

## ET ALIA

**Auctions**—At the Sotheby Parke Bernet, 980 Madison Ave., at 76th St. (Exhibition hours: Tuesdays through Saturdays, 10 to 5.)—Wednesday, June 19, at 10:15 and 2: English, Continental, and American silver and *objets de vertu;* from a number of owners. . . . ¶ Thursday, June 20, at 2: European ceramics, from many sources. . . . ¶ Friday, June 21, at 2: Continental furniture and decorations, from various owners. . . . ¶ Tuesday, June 25, at 10:15 and 2: Nineteenth- and twentieth-century prints, belonging to several collectors. . . . ¶ Thursday, June 27, at 10:15 and 2: Japanese and other Asian works of art, from many owners. Exhibition starts Friday, June 21.

### THE GREAT OUTDOORS

(If the weather looks doubtful, call the New York Parks Department number, 472-1003, for news. The same number may be called for information about other free summer events.)

**New York Shakespeare Festival**—Randall Duk Kim, Barnard Hughes, and Marybeth Hurt in **PERICLES**. Directed by Edward Berkeley. The first of two plays to be presented by the troupe. Free performances start on Thursday, June 20, and will run through Sunday, July 21. (Delacorte Theatre, Central Park near W. 81st St. Nightly, except Sunday, June 23, at 8. For information about tickets, call 535-5630.)

**Metropolitan Opera, Concert Productions**—**CENTRAL PARK'S SHEEP MEADOW**: Tuesday, June 25, at 8:30, "Turandot," with Elinor Ross, Lucine Amara, James McCracken, Robert Goodloe, and John Macurdy; conducted by Martin Rich. . . . **VAN CORTLANDT PARK**, Bronx: Wednesday, June 26, at 8:30 (rain date, June 27), "La Bohème," with Dorothy Kirsten, Maralin Niska, Enrico Di Giuseppe, Cornell MacNeil, and Raymond Michalski; Jan Behr. . . . ¶ Friday, June 28, at 8:30, "Turandot," with Ingrid Bjoner, Lucine Amara, Sándor Kónya, Gene Boucher, and James Morris; Martin Rich. . . . **MARINE PARK**, Brooklyn: Saturday, June 29, at 8:30 (rain date, June 30), "La Bohème," with Dorothy Kirsten, Maralin Niska, Barry Morell, Cornell MacNeil, and John Macurdy; Jan Behr.

**Damrosch Park**, Lincoln Center—Richard Franko Goldman and Ainslee Cox conducting the Goldman Band in this summer's series of Guggenheim Memorial Concerts, which will run through Sunday, Aug. 11. (First concerts on Wednesday, June 19—in the event of rain, next evening—and Friday, June 21, at 8; thereafter Wednesdays through Fridays—except Thursday, June 27—and Sundays, at 8.)

**Central Park Mall**—Richard Franko Goldman and Ainslee Cox conducting the Goldman Band in a single Guggenheim Memorial Concert on the Mall. (Thursday, June 27, at 8.)

**Wollman Rink**—The Schaefer beer people's summer upheaval. Wednesday, June 19, at 7: John Sebastian and Howdy Moon. . . . ¶ Friday, June 21, at 7: The Two Generations of Brubeck and John Hammond. . . . ¶ Saturday, June 22, at 7: Todd Rundgren's Utopia. . . . ¶ Monday, June 24, at 6:30: The Mahavishnu Orchestra. . . . ¶ Wednesday, June 26, at 7: Dionne Warwicke and Barry Manilow. . . . ¶ Friday, June 28, at 7: Herbie Mann and the Family of Mann, Carlos Potato and his Bata Cubano, and Joe Bataan. . . . ¶ Saturday, June 29, at 7: Mandrill and Labelle. (Through Saturday, Sept. 7. For information about tickets, call 249-8870.)

**Bryant Park**—Thursday, June 20, at 12:15: Joel Kaye. . . . ¶ Friday, June 21, at 12:15: Eddy Preston.

**Jazz on the River**—The river is the Hudson, the vehicle is an off-course Staten Island ferry, and the jazz (three hours' worth) is as follows: Wednesday, June 19, at 7:30, the Thad Jones-Mel Lewis orchestra, Wild Bill Davis's trio, and the Ellis Larkins duo. . . . ¶ Wednesday, June 26, at 7:30, Joe Newman's septet, Sy Oliver's orchestra, and Dorothy Donegan. (Slip 5, South Ferry Terminal. For information about tickets, call 541-5390.)

**Flea Market**—The New York Flea Market (Sixth Ave. at 25th St.) is open every Sunday, weather permitting, from noon to 7.

**Deep Breathing**—The roadways in Central Park are closed to automobiles in favor of strollers and bicyclists from 10 to 4 Mondays through Fridays, and from 7 to 10:30 Tuesday and Wednesday evenings, as well as all day Saturdays and Sundays.

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# GOINGS ON ABOUT TOWN

## THE MOVIE HOUSES

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THE FILMS PLAYING THE REGULAR MOVIE HOUSES ARE DESCRIBED IN BRIEF IN THE SECTION BELOW

### EAST SIDE

**Art,** 36 E. 8th. (GR 3-7014)
"The Exorcist."

**Theatre 80 St. Marks,** 80 St. Marks Pl. (254-7400)
Through June 22: "The Women" and "Dinner at Eight."
June 23-25: "Folies-Bergère" and "Devil May Care."
From June 26: "Alice in Wonderland" and "It's a Gift."

**St. Marks Cinema,** 2nd Ave. at 8th. (475-5510)
Through June 25: "A Touch of Class" and "Carnal Knowledge."
From June 26: "Sleeper" and "Bananas."

**Cinema Village,** 22 E. 12th. (924-3363)
Through June 25: "Take the Money and Run" and "Play It Again, Sam."
From June 26: "A Very Natural Thing."

**Gramercy,** Lexington at 23rd. (GR 5-1660)
"The Exorcist."

**Murray Hill,** 160 E. 34th. (685-7652)
"The Sting."

**34th St. East,** 241 E. 34th. (683-0255)
"The Conversation."

**Eastside Cinema,** 3rd Ave. at 55th. (755-3020)
Through June 22: "The Midnight Man" and "The Day of the Jackal."
From June 23: "The Groove Tube."

**Sutton,** 3rd Ave. at 57th. (PL 9-1411)
Through June 22: "Zandy's Bride."
From June 23: "Animal Crackers."

**Trans-Lux East,** 3rd Ave. at 58th. (PL 9-2262)
"Andy Warhol's Frankenstein."

**Fine Arts,** 130 E. 58th. (755-6030)
"Claudine."

**Plaza,** 42 E. 58th. (EL 5-3320)
Through June 25: "Wedding in Blood."
From June 26: To be announced.

**Baronet,** 3rd Ave. at 59th. (355-1663)
"Daisy Miller."

**Coronet,** 3rd Ave. at 59th. (355-1663)
June 19: Theatre closed.
From June 20: "Chinatown."

**East 59th Street I,** 220 E. 59th. (688-1717)
Through June 25: "Blazing Saddles."
From June 26: "The Nine Lives of Fritz the Cat."

**East 59th Street II,** 220 E. 59th. (688-0750)
Through June 25: "Thunderbolt and Lightfoot."
From June 26: "The Nine Lives of Fritz the Cat."

**Ciné Malibu,** 235 E. 59th. (759-4630)
Through June 25: "Take the Money and Run" and "Play It Again, Sam."
From June 26: "A Very Natural Thing."

**Cinema I,** 3rd Ave. at 60th. (PL 3-6022)
"The Parallax View."

**Cinema II,** 3rd Ave. at 60th. (PL 3-0774)
"Going Places."

**First Avenue Screening Room,** 1st Ave. at 61st. (PL 3-5755)
"The Little Theatre of Jean Renoir."

**Columbia I,** 2nd Ave. at 64th. (832-1670)
"The Three Musketeers."

**Columbia II,** 2nd Ave. at 64th. (832-2720)
"The Poseidon Adventure."

**Beekman,** 2nd Ave. at 66th. (RE 7-2622)
"The Gravy Train."

**68th St. Playhouse,** 3rd Ave. at 68th. (RE 4-0302)
"The Seduction of Mimi."

**Loews Tower East,** 3rd Ave. at 71st. (879-1313)
"The Terminal Man."

**72nd Street East,** 1st Ave. at 72nd. (BU 8-9304)
Through June 25: "Papillon."
From June 26: "Sleeper."

**Juliet I,** 3rd Ave. at 83rd. (249-1806)
"The Midnight Man."

**Juliet 2,** 3rd Ave. at 83rd. (249-1806)
"The Poseidon Adventure."

**Trans-Lux 85th St.,** Madison at 85th. (BU 8-3180)
"The Exorcist."

**U. A. East,** 1st Ave. at 85th. (249-5100)
"The Sting."

**Loews Orpheum,** 3rd Ave. at 86th. (289-4607)
Through June 25: "M*A*S*H" and "The Laughing Policeman."
From June 26: "For Pete's Sake."

**Loews Ciné,** 3rd Ave. at 86th. (427-1332)
Through June 25: "Walking Tall."
From June 26: "Three the Hard Way."

**86th St. East,** 3rd Ave. at 86th. (249-1144)
"Uptown Saturday Night."

**R.K.O. 86th St. Twin I,** Lexington at 86th. (289-8900)
*Through June 25: "The Lords of Flatbush."*
From June 26: "The Nine Lives of Fritz the Cat."

**R.K.O. 86th St. Twin 2,** Lexington at 86th. (289-8932)
Through June 25: "Thunderbolt and Lightfoot."
From June 26: "Truck Turner."

### WEST SIDE

**Waverly,** 6th Ave. at 3rd. (WA 9-8037)
Through June 25: "Conrack" and "Sleuth."
From June 26: "Thunderbolt and Lightfoot."

**8th St. Playhouse,** 52 W. 8th. (GR 7-7874)
Through June 25: "Day for Night" and "*The Last of Sheila.*"
From June 26: "The Day of the Dolphin."

**5th Ave. Cinema,** 5th Ave. at 12th. (WA 4-8339)
Through June 25: "The Last Detail" and "Fat City."
From June 26: "The Three Musketeers" and "M*A*S*H."

**Greenwich,** Greenwich Ave. at 12th. (929-3350)
"Wedding in Blood."

**Quad Cinemas 1, 2, 3, and 4,** 34 W. 13th. (255-8800)
Through June 25 at one or another of the theatres: "Badlands" and "The Last of Sheila"/"Blazing Saddles" and "The Twelve Chairs"/"Last Tango in Paris" and "A Streetcar Named Desire."...¶ Through June 22: "Of Human Bondage" and "Sidewalks of London."...¶ June 23-25: "Jamaica Inn" and "The Man Who Knew Too Much."
From June 26: To be announced.

**Elgin,** 8th Ave. at 19th. (675-0935)
June 19: "Steamboat Bill, Jr."
June 20-22: "Ninotchka" and "Camille."
June 23-24: "All About Eve" and "Sunset Boulevard."
June 25: "King of Hearts" and "La Femme Infidèle."
June 26: "College."
From June 27: "Burn!" and "Sunday Bloody Sunday."

**23rd St. Cinema,** 8th Ave. at 23rd. (255-7050)
Through June 25: "Conrack."
From June 26: "S*P*Y*S."

**Guild,** 33 W. 50th. (PL 7-2406)
Through June 25: "Conrack."
From June 26: "S*P*Y*S."

**Music Hall,** 6th Ave. at 50th. (757-3100)
"Herbie Rides Again."

**Ziegfeld,** 141 W. 54th. (765-7600)
"That's Entertainment!"

**Festival,** 6 W. 57th. (581-2323)
Through June 25: "The Stoolie."
From June 26: "The Story of Robin Hood" and another feature, to be announced.

**Playboy,** 110 W. 57th. (JU 6-4448)
"The Exorcist."

**Little Carnegie,** 146 W. 57th. (246-5123)
"Malizia."

**Carnegie Hall Cinema,** 7th Ave. at 57th. (PL 7-2131)
June 19: "I Vitelloni" and "The Organizer."
June 20-21: "Performance" and "One Plus One."
June 22-23: "Brother Sun, Sister Moon" and "Romeo and Juliet."
June 24: "Senso" and "The Leopard."
June 25: "Montreal Main" and "The Battle of Love's Return."
June 26: "Viridiana" and "Tristana."
June 27: "Le Boucher" and "Ten Days' Wonder."

**Paris,** 4 W. 58th. (688-2013)
"A Free Woman."

**Paramount,** B'way at 61st. (247-5070)
Through June 25: "The Last Detail" and "*Shamus.*" (No evening performances on Wednesday, June 19.)
From June 26: "The Three Musketeers" and "M*A*S*H."

**Cinema Studio,** B'way at 66th. (877-4040)
Through June 20: "Hoodlum Soldier" and "The Red Angel."
June 21-22: "Harakiri" and "Zatoichi at Large."
From June 23: To be announced.

**Regency,** B'way at 67th. (724-3700)
"The Exorcist."

**Embassy 72nd St.,** B'way at 72nd. (SC 4-6745)
Through June 25: "Last Tango in Paris" and "A Streetcar Named Desire."
From June 26: "Wedding in Blood."

**Beacon,** B'way at 74th. (874-1717)
To be announced.

**Loews 83rd St.,** B'way at 83rd. (877-3190)
Through June 25: "Escape from the Planet of the Apes," "Conquest of the Planet of the Apes," and "Battle for the Planet of the Apes."
From June 26: "The Day of the Dolphin."

**New Yorker,** B'way at 88th. (TR 4-9189)
Through June 25: "A Night in Casablanca" and "Love Happy."
From June 26: "Duel in the Sun" and "A Bill of Divorcement."

**Symphony,** B'way at 95th. (AC 2-6600)
"The Exorcist."

**Thalia,** B'way at 95th. (AC 2-3370)
"Harold and Maude."

**Olympia,** B'way at 107th. (865-8128)
Through June 25: "Walking Tall" and "The Last American Hero."
From June 26: "Sleeper" and "Bananas."

**Note**—A couple of specialized film houses: **BLEECKER ST. CINEMA,** 144 Bleecker St. (674-3210): Movies only on weekends. Friday through Sunday, June 21-23: "Our Town" (1940; Frank Craven, Martha Scott, and William Holden) and "I Cover the Waterfront" (1933; Claudette Colbert and Ben Lyons.)... **PAGODA,** 11 East Broadway. (964-1825): Chinese films, with English subtitles. Daily.

### FILM LIBRARIES

**Museum of Modern Art,** 11 W. 53rd St. (956-7078)—Ten programs in a series of films directed by Raoul Walsh: June 20 at 5:30: "Silver River" (1948), with Errol Flynn and Ann Sheridan.... June 20 at 8: "The Enforcer" (1951), with Humphrey Bogart.... June 21 at 2: "Captain Horatio Hornblower" (1951), with Gregory Peck and Virginia Mayo.... June 22 at 3: "Along the Great Divide" (1951), with Kirk Douglas and Virginia Mayo.... June 22 at 5:30: "Captain Horatio Hornblower."... June 23 at 5:30: "The Revolt of Mamie Stover" (1956), with Jane Russell and Richard Egan.... June 24 at 2: "Glory Alley" (1952), with Leslie Caron and Ralph Meeker.... June 24 at 5:30: "Sea Devils" (1953), with Yvonne De Carlo and Rock Hudson.... June 27 at 5:30: "A Lion Is in the Streets" (1953), with James Cagney and Barbara Hale.... June 27 at 8: "Gun Fury" (1953), with Rock Hudson and Donna Reed.... ¶ Other, non-Walsh films, scheduled during this period: June 19 at 5:30: "Under Two Flags" (1936), directed by Frank Lloyd, with Ronald Colman and Claudette Colbert.... June 21 at 5:30 and June 22 at noon: "Cabiria" (1914), an Italian film, directed by Giovanni Pastrone and Enrico Guazzoni.... June 23 at 12:30 and 3: "Give My Regards to Broadway" (1948), directed by Lloyd Bacon, with Dan Dailey and Fay Bainter.... June 25 at 2: "The Unholy Three" (1925), directed by Tod Browning, with Lon Chaney and Mae Busch.... June 25 at 5:30: A program of Sidney Peterson films.... June 26 at 5:30: "The Unholy Three." (A limited number of reservations are available, but only to those applying for them in person at the museum after 11 on the day of the showing or, if it is a Sunday, after noon. Reservations for the showings at 8 will not be accepted before 5:30. Wednesdays, admission on a first-come, first-served basis.)

**New York Cultural Center,** 2 Columbus Circle. (LT 1-2311)—June 19: "This Land Is Mine" (1943), directed by Jean Renoir, with Maureen O'Hara and Charles Laughton.... ¶ June 20: "Rembrandt" (1936), directed by Alexander Korda, with Charles Laughton and

Elsa Lanchester. . . . ¶ June 21: "A Star Is Born" (1937), directed by William Wellman, with Janet Gaynor and Fredric March. . . . ¶ June 22: "Blonde Venus" (1932), directed by Josef von Sternberg, with Marlene Dietrich and Herbert Marshall. . . . ¶ June 23: "Song of Songs" (1933), directed by Rouben Mamoulian, with Marlene Dietrich and Brian Aherne. . . . ¶ June 26: "A Midsummer Night's Dream" (1935), directed by Max Reinhardt and William Dieterle, with James Cagney and Dick Powell. . . . ¶ June 27: "A Life of Her Own" (1950), directed by George Cukor, with Lana Turner and Ray Milland. (Showings Wednesdays, Thursdays, Saturdays, and Sundays at 4 and 6, and Fridays at 5 and 7:30. A limited number of reservations are available, but only to those applying for them in person at the center after 11 on the day of the showing.)

## IN BRIEF

SEE ABOVE FOR THEATRE ADDRESSES AND TELEPHONE NUMBERS.
THE DATE OF REVIEW IN THESE PAGES IS GIVEN FOR FILMS LESS THAN TWO YEARS OLD.

**Alice in Wonderland** (1933)—Charmless, wooden version, with Paramount's most famous stars barely recognizable—and then only by their voices, since they appear in huge false heads. And though it's fun to recognize them that way, those voices don't do much for the Lewis Carroll lines. The film was lavishly produced, with great care given to the settings and the costumes and the makeup, but the spirit is missing. Charlotte Henry plays Alice (with plucked eyebrows), Cary Grant is the Mock Turtle, Gary Cooper is the White Knight, Louise Fazenda is the White Queen, Richard Arlen is the Cheshire Cat, Jack Oakie is Tweedledum, and Alison Skipworth is the Duchess. Perhaps the most memorable, however, are W. C. Fields as Humpty Dumpty, Edna May Oliver as the Red Queen, Sterling Holloway as the Frog, and Baby Le Roy as the Joker. Norman McLeod directed; the text, by Joseph L. Mankiewicz and William Cameron Menzies, includes material from "Through the Looking Glass." (Theatre 80 St. Marks; starting June 26.)

**All About Eve** (1950)—Joseph L. Mankiewicz's most celebrated picture, from his own sophisticated and technically splendid script. There is an old show-biz myth that films and plays about show biz don't interest anyone outside the business, but this movie cracks the legend. Bette Davis plays Margo Channing, a high-temperament Broadway star. Anne Baxter, as her secretary, is after her guts and her dressing room, with the guileless blessings of a playwright (Hugh Marlowe) and of Celeste Holm, as his wife. The only person who is on to the craft afoot is Thelma Ritter—who else? (Elgin; June 23-24.)

**Andy Warhol's Frankenstein**—With Joe Dallesandro, directed by Paul Morrissey. In 3-D. (Trans-Lux East.)

**Animal Crackers** (1930)—The Marx Brothers in their pre-Hollywood period; like "The Cocoanuts" of the year before, it was filmed in Astoria and it looks stagey. But the film is too joyous for cavilling. Groucho is the fearless African explorer Captain Spaulding, who deigns to attend a party at Rittenhouse Manor on Long Island; Margaret Dumont is Mrs. Rittenhouse, and Lilian Roth is her daughter Arabella. Once again, the script was by George S. Kaufman and Morrie Ryskind; this time the songs ("Hooray for Captain Spaulding" and "Why Am I So Romantic") are by Bert Kalmar and Harry Ruby. (Sutton; starting June 23.)

**Badlands**—Set at the end of the fifties, Terrence Malick's début picture is about an emotionless young killer (Martin Sheen) and his fifteen-year-old girl friend (Sissy Spacek), who start a killing spree in South Dakota. The young lovers are psychologically aberrant, and their moral vacuum spreads over the flat, dead landscape. Malick appears to be saying that mass-culture banality is killing our souls and making everybody affectless. An intellectualized movie—shrewd and artful, carefully styled to sustain its low-key view of dissociation—but so preconceived that there's nothing left to respond to. (Reviewed in these pages 3/18/74.) (Quad Cinema; through June 25.)

**Bananas** (1971)—Woody Allen directed, wrote (with Mickey Rose), and stars in this agreeable mess, which is slightly about revolution in a banana republic. The first half is often very, very funny. (St. Marks Cinema, and Olympia; starting June 26.)

**Battle for the Planet of the Apes**—The fifth, and latest, in the "Ape" series. With Roddy McDowall, directed by J. Lee Thompson. (Loews 83rd St.; through June 25.)

**The Battle of Love's Return** (1971)—Directed by, and with, Lloyd Kaufman. (Carnegie Hall Cinema; June 25.)

**A Bill of Divorcement** (1932)—It always creaked of classy, overcivilized theatre; it's based on a play by Clemence Dane about a father and daughter doomed by hereditary insanity—the kind of play in which the daughter is named Sydney Fairchild, her father Hilary Fairchild, and the daughter's boyfriend Kit. But as Sydney, Katharine Hepburn, in her film début, was like nothing that had ever been seen on the screen. It wasn't that she was good, exactly (in fact, her acting was mostly awful), but she was so angular and mannered, with her mouth a scar of suffering, that she was riveting. And John Barrymore, who plays the father, was a fairly riveting performer himself—though his role here is drearily subservient. Young George Cukor directed, in the insolated style all too appropriate to the vehicle; with David Manners (Kit, of course), Billie Burke, Bramwell Fletcher, and Elizabeth Patterson. (New Yorker; starting June 26.)

**Blazing Saddles**—Mel Brooks's comedy of chaos, with a surfeit of chaos and a scarcity of comedy. The story is about a modern black hipster (Cleavon Little) who becomes sheriff in a Western town in the eighteen-sixties; Gene Wilder and Madeline Kahn manage to redeem some of the film, but most of the cast (including Brooks himself) mug and smirk and shout insults at each other. Brooks's celebrated spontaneous wit isn't in evidence: the old gags here never were very funny; rehashed, they just seem desperate. (2/18/74) (East 59th Street I, and Quad Cinema; through June 25.)

**Le Boucher** (1969)—Another tone poem on a thriller theme by Claude Chabrol; he provides all the elements for a thriller except the zinger. This fluid, beautifully controlled, but very minor film was shot in a serene village in the Périgord and features the elegant Stéphane Audran, with Jean Yanne as the melancholy, frustrated butcher. In French. (Carnegie Hall Cinema; June 27.)

**Brother Sun, Sister Moon** (1973)—The story of Francis of Assisi, directed by Franco Zeffirelli, with Graham Faulkner as Francis. (Carnegie Hall Cinema; June 22-23.)

**Burn!** (1970)—Gillo Pontecorvo's emotionally charged epic about a slave revolt on a fictitious Caribbean island. Marlon Brando is the cynical representative of the British oppressors who instigates the revolt and then crushes it. Controversial, flawed, passionate. An attempt to plant an insurrectionary fuse within a swashbuckler. (Elgin; starting June 27.)

**Camille** (1937)—There may be too much stuffed furniture, but under George Cukor's direction Greta Garbo gives a warm and generous performance that is possibly her finest. (Elgin; June 20-22.)

**Carnal Knowledge** (1971)—A grimly purposeful satire about depersonalization and how we use each other sexually as objects. In Mike Nichols' cold, slick, emphatic style, it is like a neon sign that spells out the soullessness of neon. From a script by Jules Feiffer, with Jack Nicholson, Arthur Garfunkel, Candice Bergen, and Ann-Margret. (St. Marks Cinema; through June 25.)

**Chinatown**—With Jack Nicholson and Faye Dunaway, directed by Roman Polanski. (Coronet; starting June 20.)

**Claudine**—A Harlem love story that would reflect a sophisticated, knowing exhaustion if it concerned whites, but maintains its stamina, good humor, and cheek because it is played, and mostly made, by blacks. A mother on welfare (Diahann Carroll) with six children is loved by a garbage man called Roop, himself supporting three children. James Earl Jones plays the character with an endearing mixture of romance, cowardice, and natural sexiness about his beautiful but obstinate catch of a girl. There is a strong final scene about the white-rules game of welfare, in which the underprivileged are always the losers unless they use craft and a particularly black sort of risk-taking. Made by Third World Cinema people, produced by Hannah Weinstein, directed by John Berry, written

Photo: Andres Landen courtesy of Men's Wear

This is
John Weitz.

He designs
sensible clothes
for men of taste
at sensible
prices.

# GOINGS ON ABOUT TOWN

by Tina and Lester Pine. (4/29/74) (Fine Arts.)

**College** (1927)—A beautiful little comedy. Buster Keaton is a bookworm, working his way through college and determined to become a star athlete. The story line isn't as miraculously fresh as in a couple of his films, but it allows for some of his most startlingly inventive stunts. Despite the many pilferings from this film (it has been a gold mine for other comedians), the routines are executed with such impeccable precision and with such an air of confident innocence that they are charged with surprise—and probably will be forever. (Elgin; June 26.)

**Conquest of the Planet of the Apes** (1972)—The fourth and not the greatest of the "Ape" series, with Roddy McDowall, Don Murray, and Natalie Trundy, directed by J. Lee Thompson. (Loews 83rd St.; through June 25.)

**Conrack**—Jon Voight finally gets a chance to loosen up on the screen, and in a true starring role. He plays a ribald, freewheeling teacher who tries to wake up a bunch of whipped black kids and wakes up the school authorities, who fire him. Based on "The Water Is Wide," by Pat Conroy, a young Southerner's account of what he went through in his year of teaching on an island off the South Carolina coast, the picture takes its mood from Voight's roller-coaster performance. It has the airy feeling of the teacher's improvising nature, of his impatience and his bursting through restraints. Martin Ritt directed, in a more comic vein than in "Sounder," but with some of the same talent for bringing out black performers. Madge Sinclair plays a black principal who is obstinately strong and more than a match for the hero. The picture is a lively, touching fable about an unrepressed man fighting a slowly dying system of repression; it has a bounding spirit. (3/11/74) (Waverly, 23rd St. Cinema, and Guild; through June 25.)

**The Conversation**—Written and directed by Francis Ford Coppola. The freezing case history of a wiretapping-and-bugging expert, wonderfully played by Gene Hackman as a man with a dropped jaw and an uptight soul, riddled with Catholic guilt and depleted by continual secrecy and self-deception. The expert is a hermetic character who protects his threadbare sanity by allowing himself no sense of consequence. A terrifying depiction of a ransacked spirit. (4/15/74) (34th St. East.)

**Daisy Miller**—Henry James's short story, filmed at a pace as hectic as the chatter of Daisy herself. Directed by Peter Bogdanovich, script by Frederic Raphael. In the James story, Daisy's instinct, exactly reported here, is always to beat others by her fervor, and her implied insistence that distress and melancholy are easily remediable European diseases of the under-energized. Cybill Shepherd is fine as the Daisy who sees Europe as a continent of hotels: she looks very pretty, with perfect American features and a chin that bodes years of overmasterful housekeeping after her escapades as a flirt. (5/27/74) (Baronet.)

**Day for Night**—François Truffaut made this tribute to the conventional movies that once gave him pleasure, and apparently still do. He himself plays a director who is shooting an American-financed film called "Meet Pamela," with Jean-Pierre Léaud, Jean-Pierre Aumont, Jacqueline Bisset, and Valentina Cortese. "Day for Night," unfortunately conventional in its approach to character, is very childlike—filled with a deeply innocent love of the magic of moviemaking. There's not much to it, though it's graceful. In French. (10/15/73) (8th St. Playhouse; through June 25.)

**The Day of the Dolphin**—The most expensive Rin Tin Tin picture ever made, with a gimmick the Rin Tin Tin pictures never stooped to: the dolphins here are dubbed with plaintive, childish voices and speak in English. Mike Nichols directed this elaborate anthropomorphic exercise; the wretched plot is about an attempt to assassinate the President by using the dolphins as bomb carriers. George C. Scott is the godlike dolphin trainer. (12/31/73) (8th St. Playhouse, and Loews 83rd St.; starting June 26.)

**The Day of the Jackal** (1973)—Fred Zinnemann directs a story about the attempted assassination of de Gaulle by a hireling of the O.A.S. (Edward Fox, looking blond and bland). Some of the high-level talk by cabinet ministers is hilariously and unreally sedate but probably exact. The original novel was by Frederick Forsyth, the screenplay by Kenneth Ross. The disguises are brilliant. (6/2/73) (Eastside Cinema; through June 22.)

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**Devil May Care** (1929)—One of those tumultuous romantic costume dramas with musical numbers added, like the one satirized in "Singin' in the Rain." The source is a Scribe and Legouvé play about the Napoleonic period, centering on Armand, a gallant, loyal Bonapartist (Ramon Novarro) who has the misfortune to fall in love with an equally fervid loyalist (Dorothy Jordan). She never seems to be able to get to bed without a troop of soldiers crashing into her bedroom in pursuit of someone or other, who always turns out to be her impetuous suitor, in or out of disguise. It's while he's pretending to be a groom that he sings his best song, "Charming." Novarro is indefatigably agreeable; it really is impossible to dislike him. Sidney Franklin directed; with John Miljan. (Theatre 80 St. Marks; June 23-25.)

**Dinner at Eight** (1933)—Jean Harlow, with her bee-stung pucker and her tinny voice, at her comic best. George Cukor directed this witty version of the Ferber-Kaufman play, with a fabulous cast that includes Marie Dressler, John Barrymore, Lee Tracy, Wallace Beery, and Edmund Lowe. (Theatre 80 St. Marks; through June 22.)

**Duel in the Sun** (1947)—Hilariously florid, sometimes called "Lust in the Dust." A Wagnerian Western, with Gregory Peck and Jennifer Jones as lovers so passionate they kill each other. She's Pearl Chavez, a half-breed wench, and so, by Hollywood convention, uncontrollably sexy, and Peck actually manages to bestir himself enough to play a hunk of egotistic hot stuff—maybe the name Lewt McCanles got to him, or maybe the producer David O. Selznick used electric prods. Set in Texas, it's a lavish, sensual spectacle; the director, King Vidor, can't keep it from being absurdly hammy, but he gives much of it a bravura excitement, and the hokum is irresistibly entertaining. With Joseph Cotten, Charles Bickford, Lillian Gish, Butterfly McQueen, Walter Huston, Herbert Marshall, Lionel Barrymore, Harry Carey, Sidney Blackmer, and many other celebrated names. (New Yorker; starting June 26.)

**Escape from the Planet of the Apes** (1971)—Through a bend in time, the intellectual chimpanzee couple we have come to know and love arrive on earth right now, the previous film in the series having flung us into the fourth millennium. Roddy McDowall and Kim Hunter play the chimpanzees, who are immensely intelligent, English-speaking, fond, and seduced by lousy spangled clothes. Good script—funny, and seriously applied—by Paul Dehn. (Loews 83rd St.; through June 25.)

**The Exorcist**—The demonic possession of a child, treated with shallow seriousness. The picture is designed to scare people, and it does so by mechanical means: levitations, swivelling heads, vomit being spewed in priests' faces. A viewer can become glumly anesthetized by the brackish color and the senseless ugliness of the conception; neither the producer-writer, William Peter Blatty, nor the director, William Friedkin, shows any feeling for the little girl's helplessness and suffering, or for her mother's. It is religious people who should be most offended by this movie. It would be sheer insanity to take children. (1/7/74) (Art, Gramercy, Trans-Lux 85th St., Playboy, Regency, and Symphony.)

**Fat City** (1972)—A film about a boxer, though not about boxing, directed by John Huston from Leonard Gardner's novel. (Gardner wrote the script.) The hero, wonderfully played by Stacy Keach, is an out-of-training boxer who is just about to hit thirty: we see him staring at his life, and it seems to singe his eyeballs. The fat city of the title is the world of limitless booze and broads and money that men down on their luck plunder in their dreams. Tough, eloquent script, beautiful muted colors—mostly photographed in Stockton, California. (7/29/72) (5th Ave. Cinema; through June 25.)

**La Femme Infidèle** (1969)—Claude Chabrol shows how to make a civilized (though conventional) thriller; he serves up the sensuality and adultery with the elegance of a master. With Michel Bouquet as the husband, Stéphane Audran as the wife, Maurice Ronet as her lover. In French. (Elgin; June 25.)

**Folies-Bergère** (1935)—Maurice Chevalier, pushing his rather monotonous charm too strenuously in a dual role as a famous sporting baron who is a perfect devil with the ladies and a music-hall entertainer whose most popular number is an impersonation of the baron. Inevitably, the baron hires the entertainer to take his place, and the entertainer winds up in the boudoir of the baroness (Merle Oberon). The baroness flirts with the false baron, allowing him to think she thinks he's the real baron, and then she succumbs to the real baron, allowing him to think she believes him to be the false baron. This elaborate coquetry is hardly a wow, but the tiresome plot was used again for two more musicals—for Don Ameche and Alice Faye in the 1941 "That Night in Rio," and for Danny Kaye and Gene Tierney in the 1951 "On the Riviera." The original version features some lovely songs, including "You Took the Words Right Out of My Mouth," "I Don't Stand a Ghost of a Chance with You," and "Rhythm of the Rain;" during this one, the chorus girls are loaded down with umbrellas and dance glumly in several inches of water. In the film's finale, those same poor girls wear straw hats, hide under larger straw hats, and dance on straw hats of epic proportions. Roy Del Ruth directed; with Ann Sothern and Eric Blore. (Theatre 80 St. Marks; June 23-25.)

**For Pete's Sake**—With Barbra Streisand, directed by Peter Yates. (Loews Orpheum; starting June 26.)

**A Free Woman**—Directed by Volker Schlöndorff. In German. (Paris.)

**Going Places**—Gerard Depardieu and Patrick Dewaere as two Rabelaisian young layabouts who serve as tokens of the pursuit of void pleasures. They spend their time like boys on a spree of truancy and shoplifting—teasing middle-aged women, stealing cars, making idle love to a girl whom they cruelly call frigid when they have always treated her abominably. They say to themselves that they are having fun, but this is bluster. So is a lot of the film, in its desolately aimless way. Jeanne Moreau, as an ex-convict, provides the one gleam of fire and poise. Directed by Bertrand Blier from his own novel. In French. (5/20/74) (Cinema II.)

**The Gravy Train**—With Stacy Keach and Frederic Forrest, directed by Jack Starrett. (Beekman.)

**The Groove Tube**—A collection of twenty sketches satirizing American television and culture. Directed by Ken Shapiro. (Eastside Cinema; starting June 23.)

**Harakiri** (1962)—As grisly as the title hints, but a classically beautiful film. Directed by Masaki Kobayashi and probably his masterpiece. In Japanese. (Cinema Studio; June 21-22.)

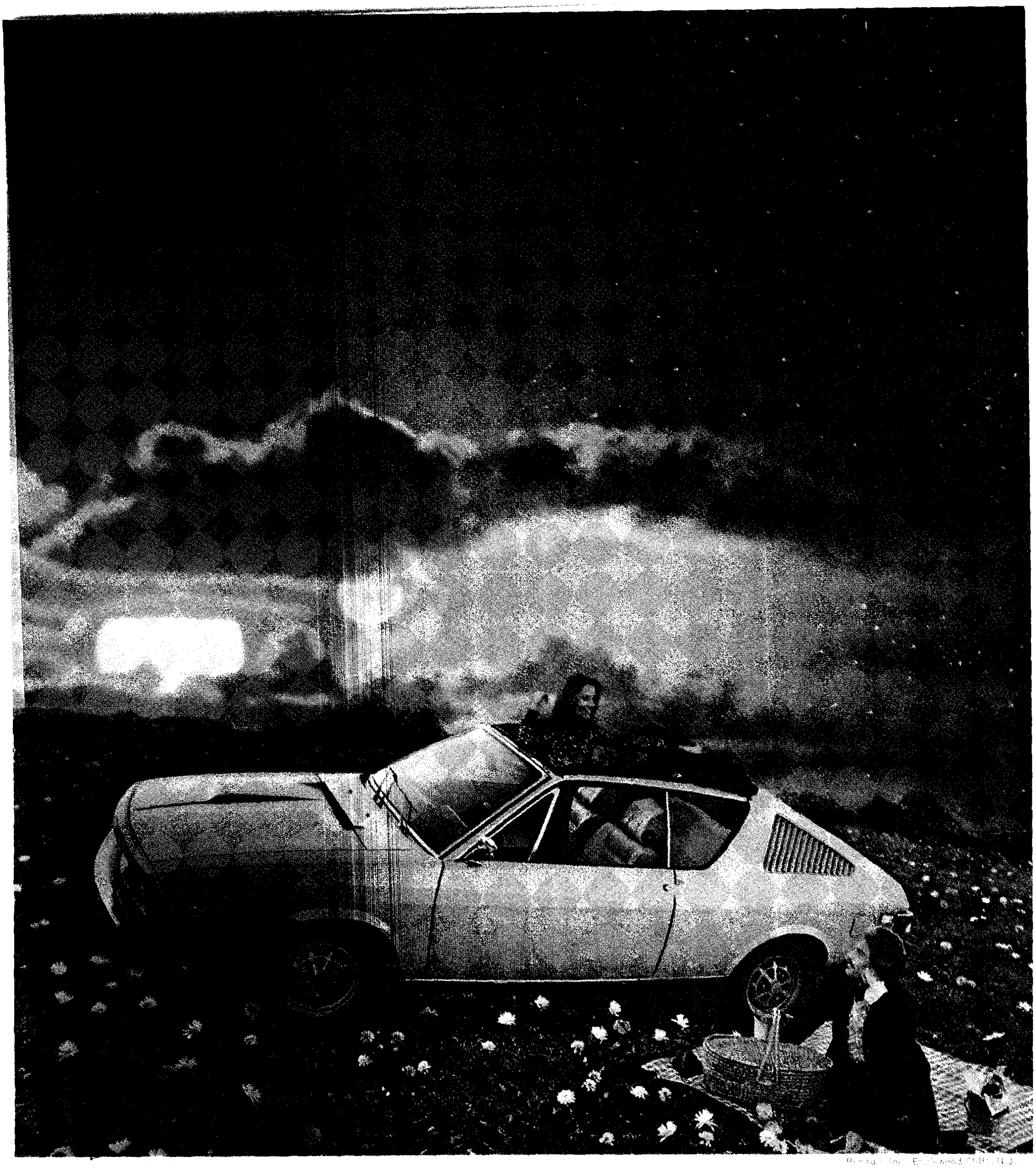
**Harold and Maude** (1971)—The love story of Harold (Bud Cort), almost twenty, and Maude (Ruth Gordon), almost eighty. Directed by Hal Ashby. (Thalia.)

**Herbie Rides Again**—From the Disney studios; a sequel to "The Love Bug." With Helen Hayes and Ken Barry, directed by Robert Stevenson. (Music Hall.)

**Hoodlum Soldier** (1971)—Directed by Yasuzo Masumura. In Japanese. (Cinema Studio; through June 20.)

**It's a Gift** (1934)—In which W. C. Fields is harassed by a blind man and has a fine irritable scene in a grocery store on the subject of kumquats. (Theatre 80 St. Marks; starting June 26.)

**Jamaica Inn** (1939)—A forgettable, generally forgotten Hitchcock gothic, from a Daphne du Maurier novel, full of Cornwall shipwrecks and smuggling and murder in the time of good King George IV. The picture is dominated by Charles Laughton as an evil, bound-to-go-mad Regency rake; his flamboyant ghoulishness appears to have paralyzed Hitchcock, whose staging of the wild flights from assassins, the midnight escapes, the prowlings up and down corridors, over



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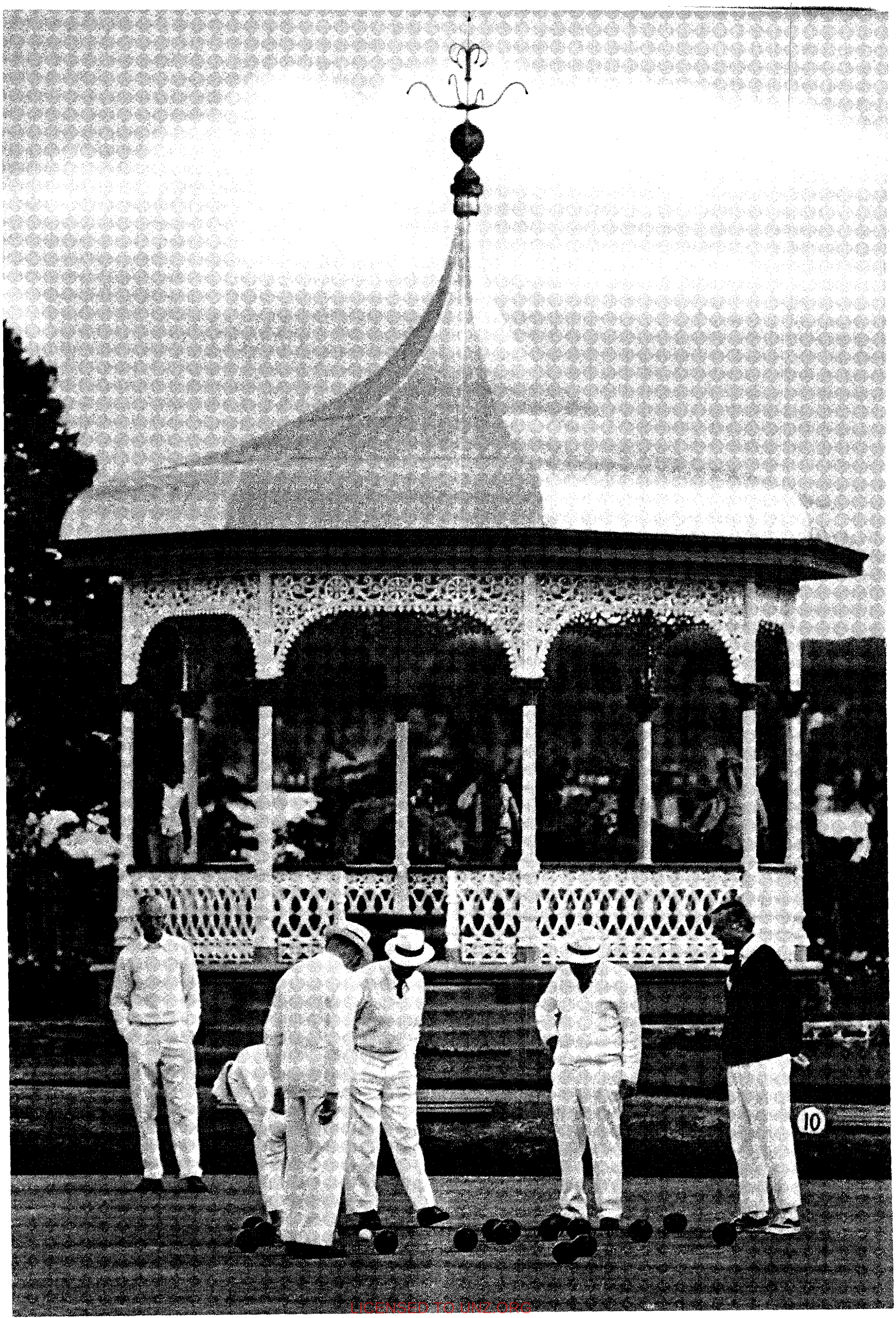
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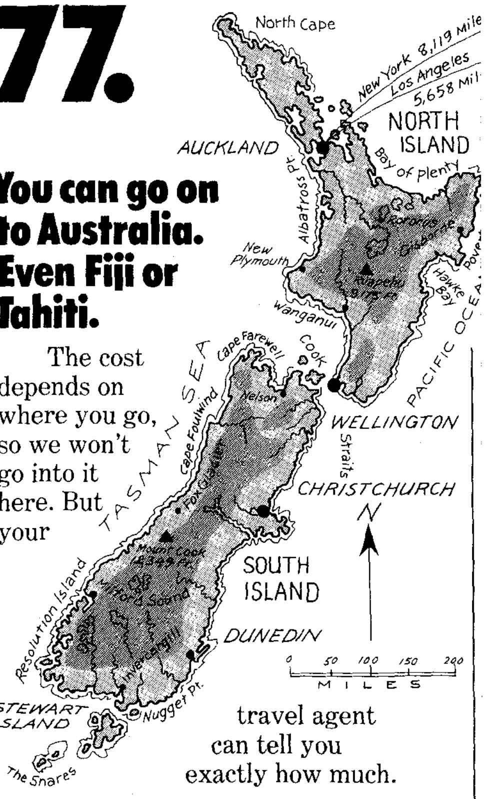
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# GOINGS ON ABOUT TOWN

roofs, through barnyards, and over moors is unredeemed claptrap. Emlyn Williams shines as a trim little scamp; Maureen O'Hara is a dim heroine. With Leslie Banks and Marie Ney. (Quad Cinema; June 23-25.)

**King of Hearts** (1967)—Philippe de Broca makes a lulling and rather winsome period comedy about a 1918 soldier in an evacuated village now inhabited only by zoo animals and lunatics in fancy dress. With Alan Bates. In French and English. (Elgin; June 25.)

**The Last American Hero**—Jeff Bridges stars in Lamont Johnson's fine, scrupulous film based on Tom Wolfe's article about Junior Johnson, the moonshiner's son who learned to drive by running his daddy's whiskey on backroads at night, and, as a racer, beat the expensive cars sponsored by Detroit. The casting, the acting, and the milieu seem effortlessly, inexplicably right. This movie transcends its genre; it isn't just about stock-car racing, any more than "The Hustler" was only about shooting pool. With Art Lund, Geraldine Fitzgerald, and Gary Busey. (10/1/73) (Olympia; through June 25.)

**The Last Detail**—About three seamen. Dissipated sentimentalist Jack Nicholson and Otis Young are dispatched to take a morose eighteen-year-old (Randy Quaid) from the brig in Norfolk, Virginia, to the naval prison in Portsmouth, New Hampshire. The movie is the record of their dallying, beer-soaked journey and of their self-discoveries en route. It is distinguished by the fine performances of Nicholson and Quaid, and by well-orchestrated profane dialogue, but visually it is relentlessly lower-depths gloomy, and the material, though often very funny, is programmed to wrench your heart. It's about the blasted lives of people who discover their humanity too late. Hal Ashby directed; adapted from Darryl Ponicsan's book by Robert Towne. (2/11/74) (5th Ave. Cinema; through June 25. . . . ¶ Paramount; through June 25. No evening performances on Wednesday, June 19.)

**The Last of Sheila** (1973)—An urbanized show-biz thriller set on a yacht owned by a games-playing maniac (James Coburn). His guests include Richard Benjamin, Dyan Cannon, James Mason, Joan Hackett, Ian McShane, and Raquel Welch. Written by Stephen Sondheim and Anthony Perkins in a vein of brainy "in" conversation that is probably accessible, paradoxically, to anyone who has ever switched on a TV talk show. There is a touch of bully-worship about the clever story, as there is about most sophisticates' games-playing. (6/23/73) (8th St. Playhouse, and Quad Cinema; through June 25.)

**Last Tango in Paris** (1972)—A movie that people will be arguing about for as long as there are movies. Bernardo Bertolucci and Marlon Brando have altered the face of an art form. In French and English. (10/28/72) (Quad Cinema, and Embassy 72nd St.; through June 25.)

**The Laughing Policeman**—Standard, gory imitation of "Dirty Harry," "The French Connection," and "Bullitt." There isn't much acting honor to be had from it, but Walter Matthau, playing a black-haired police detective, loses what little there is to Bruce Dern, who plays his partner. Matthau does the ancient obvious, but Dern's contentious, muffled manner is the latest in fey one-upmanship. The choppy film makes practically no sense; Stuart Rosenberg's direction features massacres, cadavers, and close inspection of wounds. (1/21/74) (Loews Orpheum; through June 25.)

**The Leopard** (1963)—Visconti's remarkable, luxurious film about aristocratic attitudes; sometimes boring but finally magnificent. From Lampedusa's novel. With Burt Lancaster, Alain Delon, and Claudia Cardinale. Superbly photographed by Giuseppe Rotunno. (Carnegie Hall Cinema; June 24.)

**The Little Theatre of Jean Renoir** (1969)—A series of three sketches, each beginning on a magic-looking, red-swagged toy stage. The film was written and made by Renoir himself, with the director looming quizzically over the stage at the beginning of each episode as a sort of compere. The congenial, saddened, majestically revived temperament of the last story, which is about an old husband coping with a young wife and her young lover (a vet-*cum*-handyman), has the nature of Renoir's "Rules of the Game." Jeanne Moreau appears in a brief outburst of Belle Epoque soprano singing—an unexpected comedian. In French. (5/6/74) (First Avenue Screening Room.)

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**The Lords of Flatbush**—The leather-jacket high-school set in 1957 Brooklyn. Directed by Stephen F. Verona and Martin Davidson. (R.K.O. 86th St. Twin 1; through June 25.)

**Love Happy** (1950)—Which proves that even inspired clowns like the Marx Brothers can be dull and oafish. (New Yorker; through June 25.)

**Malizia**—Directed by Salvatore Samperi: A Sicilian comedy steeped in elegance, inappropriate sexual longings clownishly dealt with, small boys' voyeurism, financial stinginess mixed with sexual largesse, and an intense sense of the class system. Danger, sweetness, and lust enter with a village girl called Angela (Laura Antonelli) into a house of mourning, where she is destined to plague and delight the whole family. A funny but oddly dated picture, marred by an outworn frivolity and naughtiness that is never very erotic. In Italian. (6/17/74) (Little Carnegie.)

**The Man Who Knew Too Much** (1935)—In 1955, Hitchcock remade in color this thriller about a kidnapping and an attempted political assassination. The later version starred James Stewart and Doris Day; this first version features Leslie Banks, Edna Best, Pierre Fresnay, and Peter Lorre (it was Lorre's début in English-language films), and it has Hitchcock's ingenuity and flair and sneaky wit. The best scenes—especially an assassination attempt at Royal Albert Hall—are stunning, but he seems sloppily unconcerned about the unconvincing material in between the tricks and jokes—a fault that persisted in the later, stodgier version. Nova Pilbeam plays the kidnapped child. (Quad Cinema; June 23-25.)

**M*A*S*H** (1970)—Robert Altman's loose, cheery, profane service comedy, about how a group of surgeons try to keep their sanity while patching up casualties in Korea. With Elliott Gould, Donald Sutherland, Tom Skerritt, and Sally Kellerman. (Loews Orpheum; through June 25. . . . ¶ 5th Ave. Cinema, and Paramount; starting June 26.)

**The Midnight Man**—With Burt Lancaster and Susan Clark, directed by Roland Kibbee and Mr. Lancaster. (Juliet 1. . . . ¶ Eastside Cinema; through June 22.)

**Montreal Main**—A Canadian film, directed by, written by, and with, Frank Vitale. (Carnegie Hall Cinema; June 25.)

**A Night in Casablanca** (1946)—In this comedy the Marx Brothers dismantle the international-intrigue thriller; the Warner Brothers, producers of the movie "Casablanca," were indignant and tried to stop the production. Though it is not as famous as the Marx Brothers' films of the thirties, it's better than all but a handful of their earlier ones. Groucho manages the hotel in Casablanca where all the spies hang out, and Chico runs a fleet of camel taxis. Directed by Archie Mayo. (New Yorker; through June 25.)

**The Nine Lives of Fritz the Cat**—An animated film, directed by Robert Taylor. A sequel to "Fritz the Cat," this time R-rated, and not nearly as good, because of the absence here of the brilliant creative talent of Ralph Bakshi. (East 59th Street I, East 59th Street II, and R.K.O. 86th St. Twin 1; starting June 26.)

**Ninotchka** (1939)—Garbo in Lubitsch's comedy—the one famous for her laughing for the first time, though it should be even more famous for the way her innate eloquence pierces the Lubitsch kitsch. She is a Russian on the run—to flee a country, or to look for a love, which she somehow manages to make seem everyone's condition. Garbo is implicitly omniscient as no other actress ever seems to have been—the world's parent. (Elgin; June 20-22.)

**Of Human Bondage** (1934)—Bette Davis had a great slouch in the role of Mildred, the scheming, deceitful Cockney waitress who sinks her hooks into the sensitive hero, Leslie Howard. (Howard was the man-born-to-be-betrayed until Dirk Bogarde came along.) Davis makes her role work through sheer will; she doesn't let it happen, she makes it happen—and, boy, you'd better watch! Her peroxide-blond Mildred may be too showily *mean* to be convincing, but Davis's energy was, for the first time, fully released on the screen, and the role made her a star. John Cromwell directed this careful, rather stilted version of the Somerset Maugham novel. The other women in the hero's life are played by the lovely young Frances Dee and the unusual, wry Kay Johnson. With Reginald Denny, Reginald Owen, and Alan Hale. (Quad Cinema; through June 22.)

**One Plus One** (1968)—Godard's first film made in England. The Rolling Stones are rehearsing a song; the fragments of work in progress are interrupted by Godard's particular vision of modern life, full of stammered interviews and push-button incantations about politics and the Pop Art of billboard signs. The film is very subtle and meticulous, with the director's typical way of pitting finely calibrated thoughts against crass images. Also called "Sympathy for the Devil." (Carnegie Hall Cinema; June 20-21.)

**The Organizer** (1963)—Marcello Mastroianni in a fine performance as a slovenly, bespectacled ex-professor who gets involved in the struggle for social justice at the turn of the century. A modest, though oversimplified, film, directed by Mario Monicelli, with a cast that includes Annie Girardot, Folco Lulli, Renato Salvatori, and François Périer. In Italian. (Carnegie Hall Cinema; June 19.)

**Papillon**—A pointlessly gruelling movie, in which Steve McQueen keeps trying to escape from Devil's Island, and fellow-convict Dustin Hoffman keeps financing his attempts. The picture is so solemn that one would think it the story of a pope, at the very least. Directed by Franklin Schaffner. (12/24/73) (72nd Street East; through June 25.)

**The Parallax View**—With Warren Beatty and Paula Prentiss, directed by Alan J. Pakula. (Reviewed in this issue.) (Cinema I.)

**Performance** (1970)—James Fox, as a London gangster from a Mickey Spillane background, meets Mick Jagger, a retired pop idol who lives in a *Yellow Book* world. A humorless, messy mixture of crime and decadence and drug-induced hallucinations, but Jagger has a fantastic few minutes near the end. (Carnegie Hall Cinema; June 20-21.)

**Play It Again, Sam** (1972)—Woody Allen incarnating the spirit of Neurotic Love in a funny picture made from his own Broadway hit. Allen plays a Bogart nut, and most of the film is about hapless girl-chasing. Herbert Ross directs in a style of suitable loose-limbed laconicism. (Cinema Village, and Ciné Malibu; through June 25.)

**The Poseidon Adventure** (1972)—Expensive pop adventure movie, manufactured for the "Airport" market. An ocean liner turns turtle, and the logistics of getting out of an upside-down ship are fairly entertaining; the script is the true cataclysm in this waterlogged Grand Hotel. With Gene Hackman, Ernest Borgnine, Stella Stevens, and Shelley Winters. Ronald Neame directed, with his usual dull efficiency. (12/16/72) (Columbia II, and Juliet 2.)

**The Red Angel** (1963)—Yasuzo Masumura is probably rightly respected in Japan, and this is patently a fine and serious film, but sometimes one needs a strong stomach for pacifist Japanese movies. This is about the Sino-Japanese conflict in 1939, seen through the eyes of a gentle young hospital nurse, but what she sees isn't that gentle on us. In Japanese. (Cinema Studio; through June 20.)

**Romeo and Juliet** (1968)—Franco Zeffirelli throws Shakespeare into the generation gap. His version features teen-agers and sword fights and extravagant grand passions. (Carnegie Hall Cinema; June 22-23.)

**The Seduction of Mimi**—Directed by Lina Wertmuller. In Italian. (Reviewed in this issue.) (68th St. Playhouse.)

**Senso** (1955)—Visconti on the Risorgimento. Farley Granger gives a wet performance in a part that Visconti wanted Marlon Brando to play, but Alida Valli has languorous splendor, and the intellectual spread of the film in very fine. In Italian. (Carnegie Hall Cinema; June 24.)

**Shamus** (1973)—With Burt Reynolds and Dyan Cannon, directed by Buzz Kulik. (Paramount; through June 25. No evening performances on Wednesday, June 19.)

**Sidewalks of London** (1938)—Vivien Leigh in her pre-Scarlett O'Hara days, as a lovely young sidewalk entertainer who rises in the world and lands a Hollywood contract. The star of this draggy piece is Charles Laughton, as a busker pickpocket. It is not one of his major—or even engaging—performances, and toward the end he turns to whining. Directed by Tim Whelan. (Quad Cinema; through June 22.)

**Sleeper**—A modern slapstick-comedy classic, directed by and starring Woody Allen. Set two hundred years in the future, it's the most stable and sustained of his films, with a clean visual style and an elegant design. It's a very even work, with no thudding bad lines and no low stretches, but it doesn't have the loose, manic highs of some of his other films. You laugh all the way through and come out smiling and perfectly happy, but you're not driven crazy—not really turned on the way his messier movies can turn you on. With Diane Keaton. (12/31/73) (St. Marks Cinema, 72nd Street East, and Olympia; starting June 26.)

**Sleuth** (1972)—At first, the elation of seeing Laurence Olivier in a big role is sufficient to give this Joseph L. Mankiewicz transcription of the Anthony Shaffer play (about an eccentric author of detective novels and his prey—Michael Caine) a high spirit, and Olivier seems to be having a ripsnorting old time. But the cleverness of Shaffer's excessive literacy wears down, and the stupid tricks the two characters play on each other keep grinding on. It's Olivier in the kind of material he outgrew more than thirty years ago. (12/23/72) (Waverly; through June 25.)

**S*P*Y*S**—With Elliott Gould and Donald Sutherland, directed by Irvin Kershner. (23rd St. Cinema, and Guild; starting June 26.)

**Steamboat Bill, Jr.** (1927)—One of the least known of the Buster Keaton features, yet it possibly ranks right at the top, with "The Navigator." It is certainly the most bizarrely Freudian of his adventures, dealing with a tiny son's attempt to prove himself to his huge, burly, rejecting father. Ernest Torrence is the father—a tough Mississippi-steamboat captain, who does not conceal his disgust when Junior (Keaton) arrives to join him, nattily dressed in bell-bottoms, a polka-dot tie, and a beret. When the father is in jail, Keaton tries to hand him a gigantic loaf of bread containing tools for breaking out, but the father doesn't understand what's in it and refuses the bread; Keaton mutters, "My father is ashamed of my baking." The film features a memorable comic cyclone, and a peerless (and much imitated) sequence in which Keaton tries on hats and changes personality with each, becoming a series of movie stars of the period. Directed by Charles Reisner. (Elgin; June 19.)

**The Sting**—Paul Newman, Robert Redford, and director George Roy Hill trying to recapture the box-office glow of "Butch Cassidy and the Sundance Kid." This time, the happy twosome are cardsharps and swindlers of the thirties; the mood isn't as coyly lyrical as before—the first blush of their romance has faded. It's a visually claustrophobic, mechanically plotted movie that's meant to be a roguishly charming entertainment, and many people probably consider it just that. With Robert Shaw as the stiff-necked menace. (12/31/73) (Murray Hill, and U. A. East.)

**The Stoolie**—With Jackie Mason, directed by John Avildsen. (Festival; through June 25.)

**The Story of Robin Hood** (1952)—Not as stirring a piece of mythology as the Errol Flynn version, but a robust, handsome production; made in England, it's a Disney film that doesn't look or sound like one. (That is a compliment.) Richard Todd is a likable Robin, and his Maid Marian (Joan Rice) is unconventionally spirited. The first-rate cast includes Peter Finch, Michael Hordern, Martita Hunt, James Hayter, and James Robertson Justice. Ken Annakin directed; Guy Green and Geoffrey Unsworth did the cinematography. (Festival; starting June 26.)

**A Streetcar Named Desire** (1951)—Some of the best dialogue ever written by an American, and two of the greatest performances ever put on film. Marlon Brando plays the brutal Stanley Kowalski, who shatters the system of illusions that Blanche DuBois (Vivien Leigh) lives by. Elia Kazan directed the Tennessee Williams play. (Quad Cinema, and Embassy 72nd St.; through June 25.)

**Sunday Bloody Sunday** (1971)—John Schlesinger directed this complex, remarkably modulated study of the breakup of two love affairs, from a screenplay by Penelope Gilliatt. An unusual film—perhaps a classic. With Glenda Jackson, Peter Finch, and Murray Head. (Elgin; starting June 27.)

**Sunset Boulevard** (1950)—Brittle satiric tribute to Hollywood's leopard-skin past, narrated by a corpse. A young scriptwriter (William Holden), speeding away from the finance-company men who have come to repossess his car, turns into a driveway on Sunset Boulevard and finds himself at the decaying mansion of the once great silent star, Norma Desmond (Gloria Swanson). Attended by her butler (Erich von Stroheim), who was once her husband and her director, she lives among the mementos of her past, and plots her comeback in her own adaptation of "Salomé." The rapacious old vamp persuades the young man to stay and work with her on the script; he becomes her kept man, her lover, her victim. The details are baroque: the rats in the empty swimming pool; the wind moaning in the organ pipes; the midnight burial of a pet chimpanzee. Glint-eyed Swanson clutches at her comeback role almost as if it were Salomé, yet the acting honors belong to Holden. When he makes love to the crazy, demanding old woman, his face shows a mixture of pity and guilt and nausea. Charles Brackett produced, Billy Wilder directed; the script is by Brackett and Wilder and D. M. Marshman, Jr. (Elgin; June 23-24.)

**Take the Money and Run** (1969)—Woody Allen as a sweetly incompetent gangster with gentle manners and an inability to write holdup notes that anyone can read. (Cinema Village, and Ciné Malibu; through June 25.)

**Ten Days' Wonder** (1972)—A chic thriller by Claude Chabrol (his first film made directly into English), of fairly unfathomable idiocy and sacrilegious pretensions. Anthony Perkins and Orson Welles have to deal with some quite amazingly dumb lines. (Carnegie Hall Cinema; June 27.)

**The Terminal Man**—From the Michael Crichton novel, with George Segal and Joan Hackett. Directed by Mike Hodges. (Loews Tower East.)

**That's Entertainment!**—An invigorating movie made up of clips from old M-G-M musicals, starting with a montage of Judy Garland and Mickey Rooney in snatches from the days of "Say, let's put on our own show! That'd be different!"—all comically the same. The linking commentary sounds a bit like an Oscar evening promoting M-G-M (the comperes include the present-day Mickey Rooney, James Stewart, Frank Sinatra, Bing Crosby, and Liza Minnelli), but the things that are linked together are terrific, especially the clips of Gene Kelly in the incomparable Comden and Green's "Singin' in the Rain;" the melting, featherweight Fred Astaire; Jeanette MacDonald and Nelson Eddy, that inimitable dollop of soup, ham, and classy yearning, their love-filled eyes slipping around to the camera to check what they look like; and Esther Williams, swimming in larger and larger pools, and rising from the chlorinated M-G-M waters regally wet. To be seen at all costs, not because of homesickness for the past, but because of the skill and fun that went into making all this. (6/10/74) (Ziegfeld.)

**The Three Musketeers**—As in Roger Planchon's anarchic stage production at his famous Lyons theatre, in France, Dumas's novel is kicked around in Richard Lester's film. Charlton Heston plays Richelieu in a becoming false nose, Jean-Pierre Cassel is a clothes-cluttered Louis XIII, Spike Milligan, in a nightshirt and a stocking cap, trails around muttering Goon Show-type jokes of unseating common sense. David Watkins did the overarranged but striking photography. The dozens of stars, deliberately cast against type, also include Oliver Reed, Raquel Welch, Faye Dunaway, Frank Finlay, Geraldine Chaplin, Richard Chamberlain, and Michael York. (4/8/74) (Columbia I. . . . ¶ 5th Ave. Cinema, and Paramount; starting June 26.)

**Three the Hard Way**—With Jim Brown, Jim Kelly, and Fred Williamson, directed by Gordon Parks, Jr. (Loews Ciné; starting June 26.)

**Thunderbolt and Lightfoot**—Clint Eastwood, Jeff Bridges, George Kennedy, and Geoffrey Lewis as a quartet of thieves. Written and directed by Michael Cimino. (East 59th Street II, and R.K.O. 86th St. Twin 2; through June 25. . . . ¶ Waverly; starting June 26.)

**A Touch of Class** (1973)—Directed by Melvin Frank, written by Mr. Frank and Jack Rose. Glenda Jackson is a young divorced English dress designer with a wit that flickers like an anteater's tongue and a capacity to be wounded that the film's throwback to forties love-comedies doesn't manage to transmit. George Segal, showing a matching gift for sophisticated comedy, plays a flappy American. Mild, muddled fun. (7/9/73) (St. Marks Cinema; through June 25.)

**Tristana** (1970)—Made by a master now at the easy height of his powers. Buñuel's story is about possessiveness: a bearded, dandyish guardian (Fernando Rey) is dankly in love with his ward (Catherine Deneuve), whom he tries to keep caged but who gradually gains the power in the combat. In Spanish. (Carnegie Hall Cinema; June 26.)

**Truck Turner**—With Isaac Hayes and Yaphet Kotto, directed by Jonathan Kaplan. (R.K.O. 86th St. Twin 2; starting June 26.)

**The Twelve Chairs** (1970)—Mel Brooks shows his affection for the innocent nuttiness of earlier periods of comedy in this story about three men (Frank Langella, Dom DeLuise, Ron Moody) searching for a fortune hidden in a chair, but the whole enterprise is rather forlorn. Not bad, really—just so-so. (Quad Cinema; through June 25.)

**Uptown Saturday Night**—Directed by Sidney Poitier: Black is fun, says this film revolutionarily, communicating the idea with an attractive infectiousness. The men in the film, including a Sidney Poitier, looking amiably smaller than usual, have the air of youngsters on a spree playing hooky, and the wives seem wiser and older, which is a classic black film and stage situation. A lottery ticket gets lost in a stickup and found again. In a white film, it would have disappeared for good. That's the difference. Life is hauled up by the bootstraps, and a broad grin appears on dandily dressed rival gangsters' faces. To be seen; solid fun. (6/17/74) (86th St. East.)

**Viridiana** (1961)—Luis Buñuel's account of the havoc wreaked by a virtuous girl who seeks to do God's bidding among His beloved poor. In Spanish. (Carnegie Hall Cinema; June 26.)

**I Vitelloni** (1953)—Fellini made this warm observation of overgrown Italian loafers. The warmth doesn't prevent his view from being accurately acid about these adolescents pushing thirty who sponge off their parents and (all but one) lack the stomach to quit their aimless provincial lives. Fellini, as usual, wonderfully touches melancholy with farce. In Italian. (Carnegie Hall Cinema; June 19.)

**Walking Tall**—A rabble-rousing movie that appeals to a deep-seated belief in simple, swift, Bibical justice; the visceral impact of the film makes one know how crowds must feel when they're being swayed by demagogues. Joe Don Baker gives a powerful performance as the crusading Tennessee sheriff Buford Pusser—there *is* a Buford Pusser, and he's out promoting the movie—but it's a tall tale: a fiction derived from early Westerns. The director, Phil Karlson, is brutally effective; he makes the battle of virtuous force against organized evil seem primordial. With Elizabeth Hartman as Mrs. Pusser. (2/25/74) (Loews Ciné, and Olympia; through June 25.)

**Wedding in Blood**—A French small-town love-and-murder tale, written and directed by Claude Chabrol, who has a Gallically perverse drive to find something classical in the squalid. Michel Piccoli plays an idly ambitious Don Juan whose dominant practicality and ambitiousness understandably douse sexuality in his wife, an invalid, and eventually in his drawn-cheeked and beautiful mistress. Most of Chabrol's usual sense of small-town drama is lost in an exhibition of metropolitan knowingness. In French. (6/3/74) (Greenwich. . . . ¶ Plaza; through June 25. . . . ¶ Embassy 72nd St.; starting June 26.)

**The Women** (1939)—Clare Boothe Luce's ode to wisecracking cattiness, given the full, expensive M-G-M treatment in its first movie version, with Rosalind Russell, Joan Crawford, Paulette Goddard, Joan Fontaine, Mary Boland, Marjorie Main, Hedda Hopper, Margaret Dumont, Virginia Grey, and noble Norma Shearer, weeping, weeping. George Cukor directed. (Theatre 80 St. Marks; through June 22.)

**Zandy's Bride**—Directed by Jan Troell, with Liv Ullmann and Gene Hackman, both giving good performances in a dreary film that moves at the speed of a hand plow. (Sutton; through June 22.)

**Zatoichi at Large**—Directed by Kazuo Mori. In Japanese. (Cinema Studio; June 21-22.)

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THE
NEW YORKER

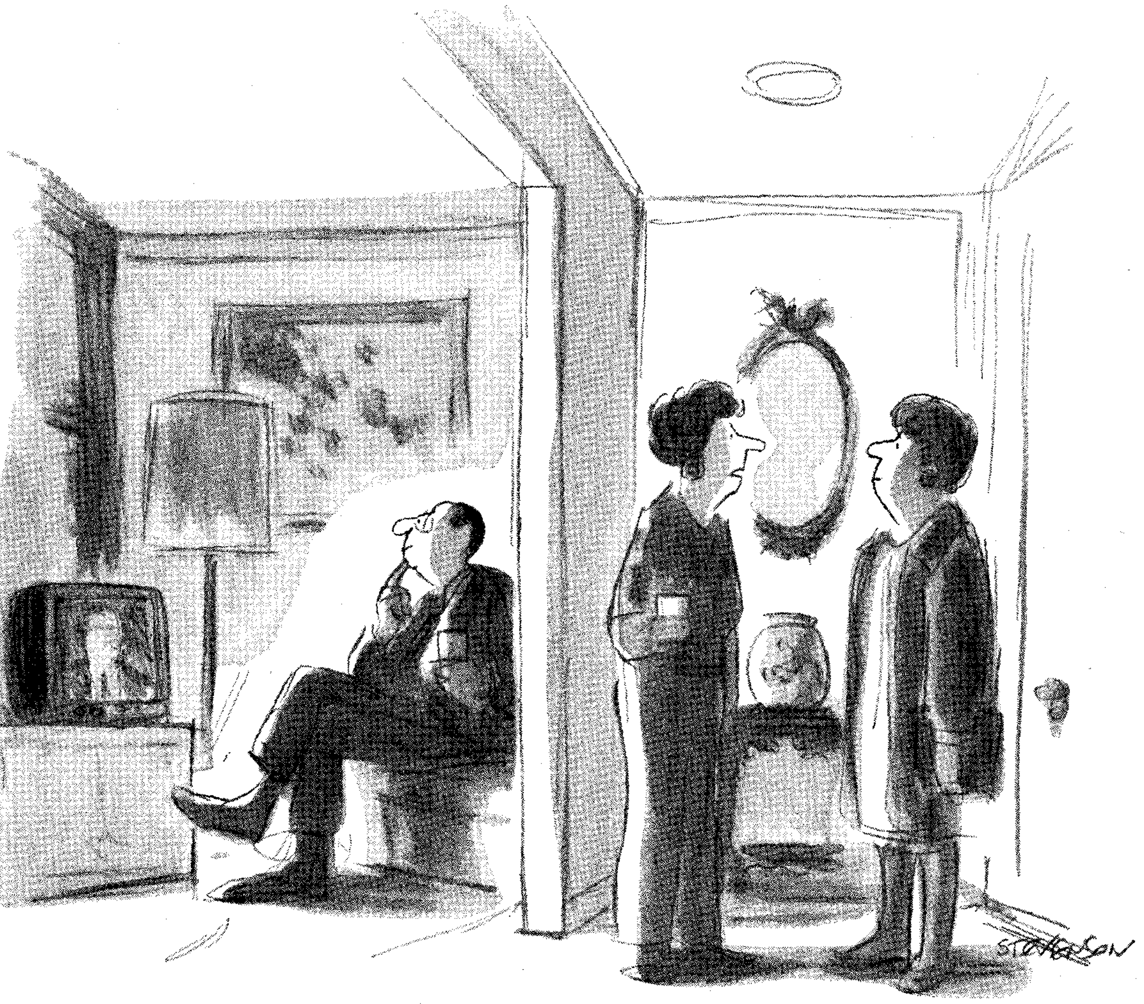
# THE TALK OF THE TOWN

## *Notes and Comment*

ON the day the President set out on his trip to Europe and the Middle East, he sent off two letters that are likely to loom far larger in the history books than any business he might transact abroad. One went to Judge Gerhard Gesell and declared that the President, rather than the courts, would be the final arbiter of what evidence from White House files could be presented in the criminal trial of one of his former aides, John Ehrlichman. The other went to Chairman Peter Rodino, of the House Judiciary Committee, and declared that the President, rather than a committee of Congress, would be the final arbiter of what evidence from White House files could be presented for use in the inquiry into his possible impeachment. The letters were of special importance because they outlined, for the first time, a comprehensive rationale, amounting to a declaration of fundamental political principle, of the President's position in relation both to the impeachment proceedings and to the legal proceedings against former members of his Administration. The letter to Judge Gesell, which was signed by the President's counsel, James St. Clair, was simple and to the point. It asserted that the President, by virtue of his right of "executive privilege," "shall determine whether or not it is in the public interest to produce the notes [from Ehrlichman's White House files] for use in the trial." The letter to Chairman Rodino, which was signed by the President, was more expansive. The President offered two broad justifications for his refusal to give up evidence subpoenaed by the Judiciary Committee. The first was legal, and the second was ad hoc. The President argued that, owing to the separation of powers under the Constitution, each of the three branches of government exercised sovereign control over any information it decided was "confidential." As he put it, "preserving the principle of separation of powers—and of the executive as a co-equal branch—requires that the executive, no less than the legislative or judicial branches, must be immune from unlimited search and seizure by the other co-equal branches." Having asserted his right to withhold information from the other branches (and from anyone else, for that matter), the President proceeded to exercise it. "The voluminous body of materials that the Committee already has . . . does give the full story of Watergate insofar as it relates to Presidential knowledge and Presidential actions," he stated. He went on to advise the committee to stop pursuing "the chimera" of more evidence on other tapes. Then, temporarily assuming the role of an objective third party stepping in to settle a quarrel between two strangers, he declared, "There would be no end unless a line were drawn somewhere by someone. Since it is clear that the Committee will not draw such a line, I have done so."

The President seems to describe a system in which the three branches of government are so well separated that they amount to three independent governments. In reality, of course, if the links that make the branches of government accountable to one another and to the public were to be broken, only one branch—the executive—would eventually survive, because it is only the executive that can both give and carry out orders. The other branches can only give them. Faced with a disobedient executive, the judiciary and legislative branches are as powerless as generals without troops. Two recent events have already foreshadowed their ineffectuality in a system like the one described in the President's letter. One is the decision of the Judiciary Committee not to ask the full House to cite the President for contempt of Congress after he refused to comply with several of their subpoenas for evidence, on the ground, according to one member of the committee, that the citation would be unenforceable. The other is the apparent hesitation of Judge Gesell to cite the President for contempt after his apparent refusal to supply evidence for the trial, because, according to at least one report, that citation, too, would be unenforceable. In these cases, "unenforceable" simply means that, whatever the legal merits may be, the President, in the real world, commands superior forces: the people with the guns obey him rather than judges or congressmen. The truth of the matter is that nothing but the President's directives is "enforceable" when the executive stops coöperating with the other branches of government.

One of the links between the branches which the President's letter to Chairman Rodino leaves out altogether is the provision of the Constitution which the letter ostensibly sets out to discuss: impeachment. At the close of the letter, the President argues, "Whenever one branch attempts to press too hard in intruding on the Constitutional prerogatives of another, that balance [the balance of power among the three branches] is threatened." And, of course, it is true that impeachment cannot be used to diminish the power of the office of the Presidency by one jot. What impeachment, if it is followed by conviction, will do is to strip a particular President not just of any power of executive privilege that he may hold but of all the powers of his office. Any privileges arising out of the separation of powers fall before the impeachment power, because impeachment and conviction are precisely a total and final judgment of the conduct of one branch of government by the members of another. To raise the doctrine of the separation of powers against impeachment is to nullify impeachment. Nor is the power of impeachment an incidental or marginal power. It is the foundation on which every other provision of the Constitution rests, for it is the remedy for usurpation: only when



"*The drill around here is as follows: local news from six to seven, Cronkite from seven to seven-thirty, and then Edgar till bedtime.*"

• •

the Chief Executive, or any other civil officer of the United States, gives the appearance of violating in a grievous way his Constitutional oath of office by seeming to commit "treason, bribery, or other high crimes and misdemeanors" does the House of Representatives have recourse to impeachment.

The President's two letters, therefore, are not just one more set of legal arguments. They are briefs against Constitutional government. They are a proposal for a new form of government, in which a President, once elected, is beyond any restraint. They put in writing what the President's actions over the last year or so have been leading up to: suspension of the law insofar as it applies to the President.

## *Magazines, Anyone?*

THE kickoff celebration for Billie Jean King's new magazine, *WomenSports*, was held at Gallagher's restaurant and bar—a sly choice, because Gallagher's is a holy of holies of sporting *machismo*. The ambience is nicotine-stained wood, the voices around the bar are gruff, and the restaurant walls are covered with signed pictures of ballplayers, signed pictures of boxers, signed pictures of race horses. (Some of the race horses are female, after which Gallagher's draws the line.) The *WomenSports* party was in an upstairs room that had one wall covered with pictures of jockeys and another wall covered, strangely, with pictures of prominent personalities of the Eisenhower Administration, including—we must be fair—Oveta Culp Hobby and Ivy Baker Priest.

The first person we saw when we came in was Kate Coleman, an old friend of ours who is a free-lance writer and radical from Berkeley, California. Kate has brown eyes, which seem to actually snap, and she was wearing a blue embroidered T-shirt, a denim miniskirt, and a raffish grin.

"What are you doing here?" we asked.

"I happened to be in town, and I also happened to have finished my article for *WomenSports* on Gung Fu this morning, so I came over to deliver it by hand," she said. Then she lifted her left leg into the air. "Check the muscle on my thigh," she demanded.

We did so. "Very firm," we said.

"I've been doing Gung Fu every day," she said. "Nobody's going to mess with *me*. I spell it 'Gung Fu' instead of 'Kung Fu' because it's just as correct phonetically and because I want to call the article 'Gung Ho for Gung Fu.' "

Kate showed us a pink paddleball and said she was going to get Billie Jean King to autograph it, but first she introduced us to Rosalie Wright, the editor of *WomenSports*. Ms. Wright told us that, at thirty-one, she is the oldest member of the magazine's editorial staff. "But we're all professionals," she said. "Candace Hogan, one of our associate editors, was sports editor of the Livermore *Independent*, in California, and our art director, Velveteen Rose"—Ms. Wright indicated a statuesque woman with a rose tattoo on her upper left arm—"was associate art director of *Oui*. I was managing editor of *Philadelphia* magazine."

"Have you always been interested in sports?" we asked.

"I've always been interested in *magazines*," she said. "I came into sports via the women's movement. Sports and physical development are avenues to being truly liberated."

We talked with a young woman named Barbara Jane Walder, whose right calf was in a cast.

"Sports injury?" we asked.

"In a way," Ms. Walder said. "I was looking for an apartment so I could take a job on *Sport* magazine, and I fell."

We noticed that the cast was covered with signatures. We checked—visually, this time—but none of the names were instantly familiar.

"They're all members of the Philadelphia Flyers," Ms. Walder said.

We made our way to the bar, where Billie Jean King was working on an enormous bowl of popcorn. She was talking with Pete Axthelm, the sports editor of *Newsweek*, about *Newsweek's* cover story on women athletes. She said she had liked the story but wasn't so sure about the pictures. "I got the feeling the women in the pictures were chosen mostly because they're pretty," she said. "Now, male athletes don't have to be pretty. They can look like this." She hunched her shoulders and let her arms hang in imitation of a gorilla.

In addition to her other accomplishments, Billie Jean King is co-publisher (with her husband, Larry W. King) of *WomenSports*, and for the first issue she is the cover girl, she wrote the lead article ("How to Win"), and she is featured in five advertisements. We were a fan of hers when she was Billie Jean Moffitt, and we still are. Two days before the party, we had seen her on Channel 13 leading the Philadelphia Freedoms, the World Team Tennis team of which she is the star and head coach, to victory over the New York Sets.

"You must be tired," we said.

"Yep," she said. "If I can run and jump, I'm O.K., but standing around is something else. We just beat the New York Sets, and tomorrow we're off to play the Chicago Aces."

"The Freedoms are doing pretty well," we said. "Eleven and one, isn't it?"

"Twelve and oh! Undefeated! Let's get the record straight!" Billie Jean King said.

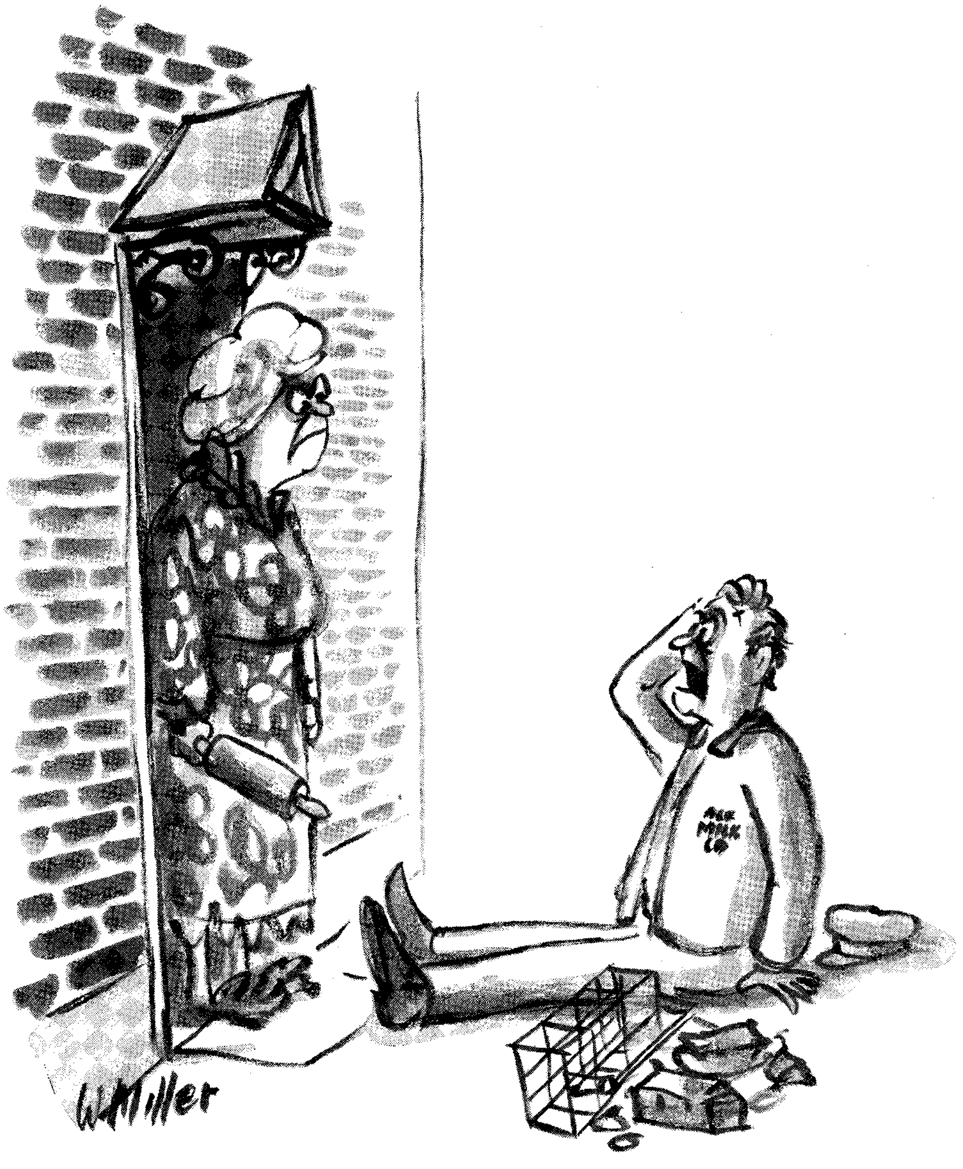
As we were leaving, Kate Coleman showed us her pink paddleball again. Billie Jean King's autograph marched around the equator of the ball. It had the kind of bold vertical loops one normally sees only in the signatures on Louisville Sluggers.

"Her handshake is a bit limp, though," Kate confided. "Now, Pat Carbine, the publisher of *Ms.*, has a handshake that brings tears to your eyes. They're a little fluffier here."

## *Overlord 74*

THIRTY years after Operation Overlord, which culminated in the landing of two hundred thousand Allied troops on the beaches of Normandy, nearly a thousand French men and women travelled by sea and air to this country to express their thanks, and a week or so ago, on the anniversary of D Day, about a hundred of the group's leaders—veterans of the Resistance and of the Free French forces, former inmates of concentration camps, and some Americans who had fought with the French—assembled in City Hall Park for the first event in a daylong program. At about ten-thirty, Mayor Beame, in a blue pin-striped suit, appeared on the steps of City Hall. Most of the visitors wore civilian clothes, too, but in many cases their jackets were emblazoned with military ribbons and medals. After a brief exchange of speeches in English and French, the Mayor presented a gold key to the city to Jean-Paul Roncoli, who is the director of an adult-education institute near Paris, and who had conceived of the trip. Then M. Roncoli handed the Mayor a small chest that had once belonged to the Marquis de Lafayette and that now contained a handful of sand from Omaha Beach and four hundred letters from people in various parts of France. M. Roncoli kissed the Mayor on both cheeks (the Mayor looked a bit startled), and all hands climbed aboard chartered buses for Madison Square Park, where the rest of the visitors were waiting. We sat next to M. Roncoli during the bus ride and asked him how he had come to plan Overlord 74. "It's a dream I've had ever since I was a child," he said to us (in French). "I was only six at the time of the Liberation. I was in Lyons, and when the American soldiers arrived, what appeared to me extraordinary was that these fighters bore the marks of combat but were smiling and had the light of hope in their eyes. You must not be deceived by political and economic differences that arise between our peoples from time to time. At bottom—I urge you to believe me—the people of France love the people of America. Between the United States and France there is an ocean, and in the ocean there is a surface and there are depths. And sometimes on the surface there are storms, but the depths are always calm."

The Madison Square Park ceremonies, at noon, took place near the gran-



*"For God's sake, Mrs. Sullivan, I didn't have anything to do with any 'milk deals'!"*

ite monument that commemorates the valor of the American Expeditionary Forces in the First World War: a bugler blew "Taps," and the visitors sang the "Marseillaise" twice—the second time for the benefit of television cameras that were sending the proceedings by satellite to France.

Lunch at the Commodore Hotel. Twenty-five chartered buses to the Battery. A ferry to Liberty Island, with a good many photographs taken of the Statue of Liberty. On the island, the group assembled near a small *quai* at the edge of which two men held aloft a blue-and-white banner that read "Overlord 74." Several men held flags that represented various French and American military units and various units of the Resistance. The Reverend Michel Riquet, a Resistance leader who had been interned by the Nazis in 1942, gave the invocation, and General André Demetz, a former chief of staff of the French Army, wound things up with the cry "*Vive l'Amérique! Vive notre amitié pour elle! Vive la France!*" Then the visitors formed a line and moved past a blond girl who was handing out a thousand long-stemmed red roses flown in from France. As each visitor reached the temporary arch formed by the blue-and-white banner and its supporting poles, he threw his rose into the water. The bay was quiet, and the water gave off varicolored, bright reflections. The roses floated off toward the mainland.

### *Hub Roundup*

FRUITS of a weekend in the Greater Boston Area, at the home of an artist who grows roses, name of David Daniels:

ACCORDING to David Daniels, the closest thing to night life in the Cambridge-Somerville area these days is Steve's Ice Cream, Davis Square, Somerville. It's open till eleven-thirty. The ice cream is, *of course*, all natural—you know, things like peppermint ice cream "flavored with real oil of peppermint." It's also highly delicious. David took us there Friday night. A line worthy of "The Exorcist" snaked around the inside of the store and out onto the street. We waited twenty minutes for a sundae, which gave us plenty of time to copy down in its entirety the following incredible hand-lettered sign:

> When there is a line, please wait.
>
> Help us move it along faster—and shorten your wait—by being ready with your exact order when you reach the front.
>
> Plain ice-cream flavors: vanilla, chocolate, strawberry, coffee, specials.
>
> With the 45¢ cone or dish only, we will mix in any of the fruits, nuts, candies, etc. displayed on the front counter. (To see what choices you have ask someone to hold your place on line, and come around to the front.)
>
> We do *not* mix in for the 30¢ cone or dish, nor for pints and quarts, nor for the sundaes (see below).
>
> THE SUNDAE INCLUDES: ice cream, topping, whipped cream, nuts (walnuts or mixed nuts, which are cashews, brazils, filberts, and almonds), and cherry.
>
> THE MINI SUNDAE is exactly the same, but every portion is smaller, and is only for skinny people on diets.
>
> IF YOU WANT A SUNDAE, please say something like "I would like a strawberry sundae on vanilla ice cream and mixed nuts, but no cherry," or, "I would like a mini hot fudge sundae on coffee ice cream with walnuts, but no whipped cream, and the cherry." Please also specify for here or to go.
>
> WE WILL SPRINKLE EXTRA GOODIES ON TOP OF YOUR SUNDAE FOR 5¢ EACH.

Well, it was a long wait. The extra goodies included raisins, granola, and ground-up Heath bars. We watched a girl named Myra Silberstein, from Newton, eat a forty-five-cent dish of banana with M&Ms mixed in. There's a player piano in the store with ninety-six player-piano rolls. We heard "Yes Sir, That's My Baby," and "In the Mood," a selection cut in 1939 by J. Lawrence Cook. The top of the piano is open, and when the eighty-eights are a-tinkle you can look inside and see some terrific little gears calmly rising and falling in series.

ON Saturday, while David was feeding Ortho Fish Emulsion to his roses, we drove to Lexington Gardens, in Lexington—an enormous nursery, which covers twelve acres and has fifteen greenhouses. (There are five more acres and thirteen more greenhouses over on the other side of Lexington.) Very spiffy place. Very up-to-date. Sells things like geranium six-packs. Whole outfit has been owned since January, 1972, by Pepperidge Farm. A man named Alan, from the public-relations department of Lexington Gardens—he was moved up to Mass. by Pepperidge Farm and calls himself "a bread-and-roll man"—took us through a greenhouse where hundreds of tiny lobster cactuses were beginning to grow into Christmas presents.

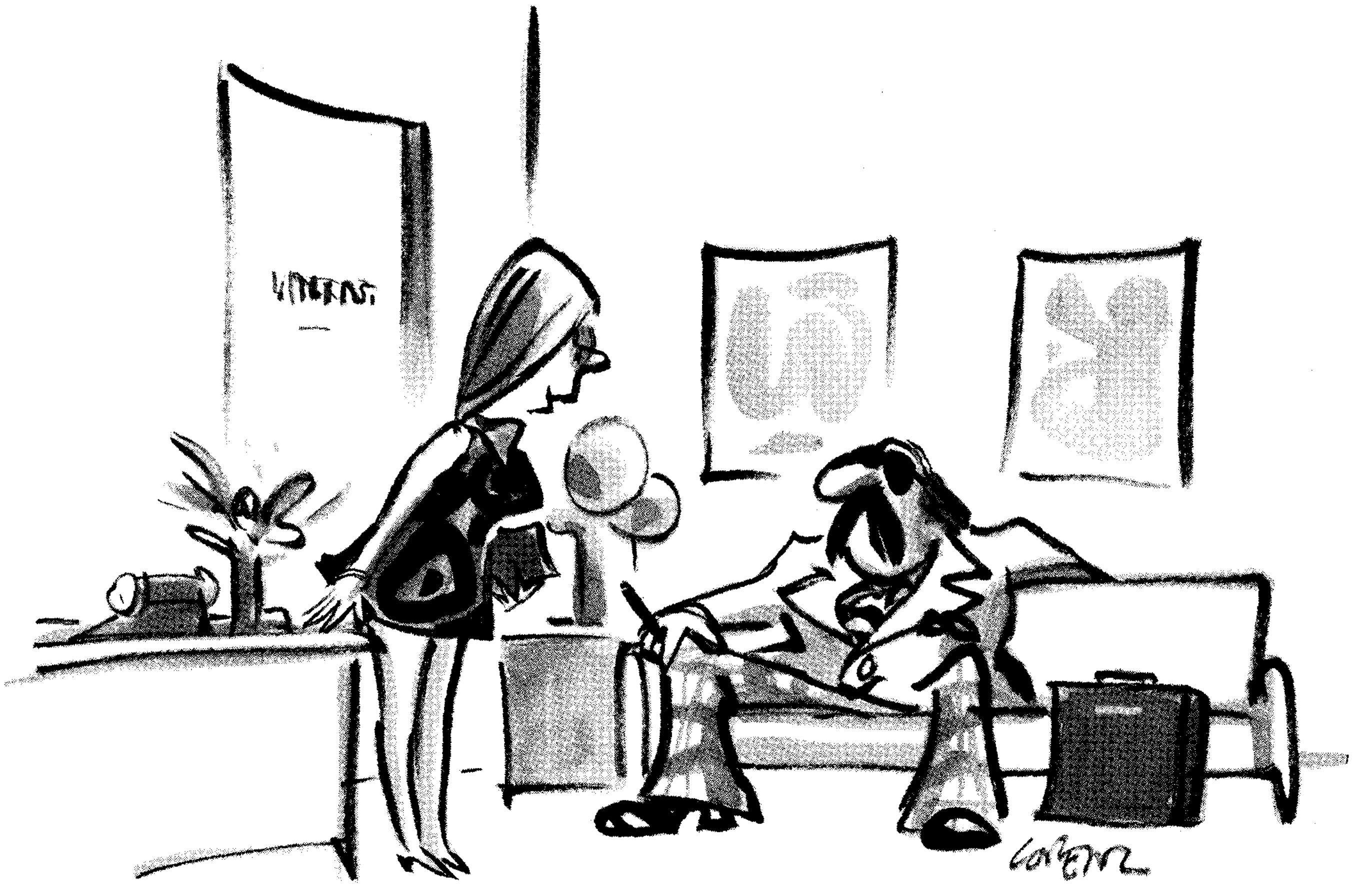
The place is so big that it has quite a few lost children. We heard three different "I want my *Mommy!*"s. It also has four hundred Radio Flyers—little red wagons for people to haul their purchases around in. We sat in the parking lot, waiting for a girl named Gloria to buy a ginkgo tree, and watched a kid collecting empty wagons. One wagon can be hooked to another. We saw him compile a wagon train of eighteen Flyers. Fascinated, we interviewed him. "Well," he said, "the most *I've* ever done is thirty. But the record here is forty-five."

"THE one bar in Boston is Bob Lee's Islander, on Tyler Street, in Chinatown," said David, so thirteen of us went to Bob Lee's Saturday night. Tyler Street *is* Chinatown in Boston, or, to be even more accurate, one block of Tyler Street *is* Chinatown in Boston. Bob Lee's has: waterfalls, a dugout canoe with a door, carved idols, weird lights, black lights, blowfish lights, lights that are globes in fishermen's nets, wicker armchairs, bamboo fences, illuminated photomurals of palm trees, fantastic damned carved stuff, plastic plants painted Day-Glo red and green, duck decoys, dragons, driftwood, a bar with a black-and-white TV tuned to the Red Sox game, conch shells, shields—we could go on. "I'd love to see this place with work lights on in the daytime," said David. "This place has more atmosphere than any place I've seen except maybe the Museum of Natural History."

The menu listed the following drinks: Song of the Island, Hawaii Moon, Love Potion, Tiki Tiki, Aloha Delight, Honorable Lee, Pago Pago, Planter's Punch, Mai Tai, Head Hunter, Suffering Bastard, Pineapple Passion (listed as "Jerry Williams' favorite drink;" Jerry Williams has a talk show on WBZ, in Boston, that reaches thirty-eight states; he begins every show, "Wake up, America, this is Jerry Williams!"), Hula Hula, Zombie, Scorpion Bowl, Blue Hawaii, Diamond Head, Tahitian Punch. The food listed includes items like Pu-Pu Platter, which is served only to a party of over four persons. The menu also says:

Coffee à la Boston, per cup. .$1000.00.

The waiter, who wore a Hawaiian shirt, explained that that meant they



*"The Big Enchilada is tied up with the Chief Honcho at the moment, but the Little Enchilada can see you now."*

• •

didn't serve coffee. One of our party of over four persons, a guy named Tom, said he bet that if he had a thousand dollars they would serve him a cup. The waiter giggled.

We ordered most of the drinks on the menu. They all came with straws, and many of them came in interesting ceramic containers. They all tasted a lot like rum, but they had many different colors. We could see the Red Sox game on the TV in the distance. The game was getting rained out. Gloria explained that she had actually met a man who invented drinks like this. "He's Jewish," she said, "and about fifty-five and very sweet. He kept making up different colored mixtures and asking if I liked them, and then saying things like 'No, now, this color won't move—we'll have to serve that in an *opaque* glass.' "

Someone else said, " '*Tembo imeckela chini*'—that's Swahili for 'Elephant get down.' 'Elephant get up' is '*Tembo iminuka.*' "

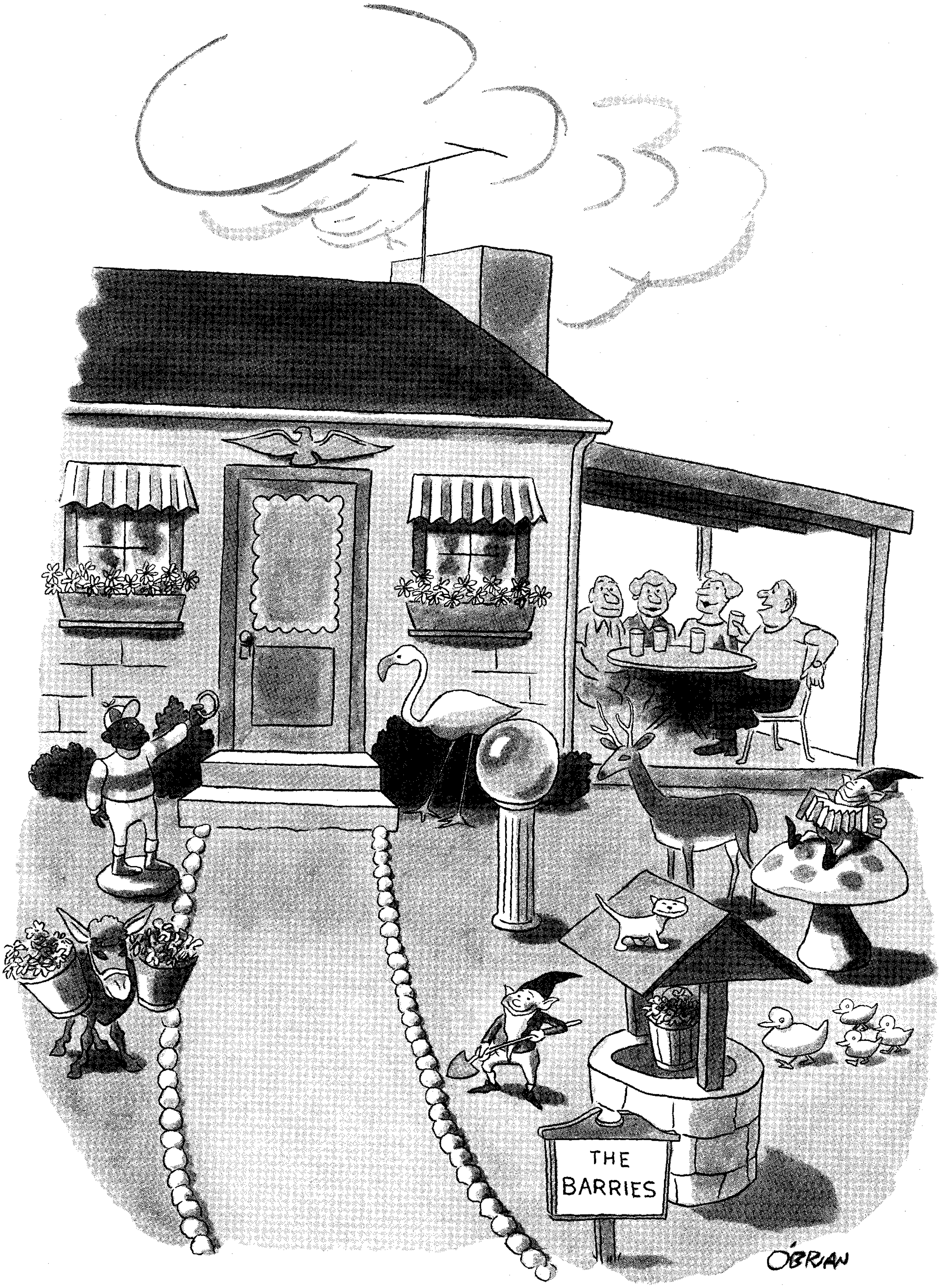
David explained, "This part of the restaurant was built eight years ago. The other part was built fifteen years ago. It's built in what I call Accretion Style. Can you imagine the wiring? The fountains outside used to have antifreeze in them in the winter. A real forties evening. It's the yin place to go in Boston."

SUNDAY night, after a quiet day, we dined—a party of eleven this time—at the Emporium Café Restaurant Bar, in Cambridge. The Emporium has enormous stained-glass windows of Nixon, Joe Namath, Margaret Mead, Bogart, Bobby Orr (with a hockey stick), Agnew (with a lamb at his feet), Germaine Greer, and W. C. Fields (in a top hat, with a pool cue). That's reading right to left. The Emporium also has a trolley car—Car 33, from the Boston Elevated Railway Company—which seats eighteen. The Emporium has oil paintings of nineteenth-century Boston Masonic Grand Masters. But the highlight of the Emporium is the filet mignon, 70¢ per oz., minimum portion 6 oz. A black guy wheels out a cart with a raw steak, a carving board, and a scale. He says, "First of all, let me tell you that we don't *guarantee* you're going to get exactly six ounces. If it's *under* six ounces, you have to pay for six ounces, but if it's *over* six ounces you have to pay for the extra ounces. Once it's cooked, you're going to lose an ounce, maybe an ounce and a half."

"Well, that's life," said David. "This is the filet ceremony. It originated in Japan some three thousand years ago. Originally, of course, it was done by a samurai. They'd throw the steak up in the air and he'd have to cut it exactly with his sword. One thing this place lacks—the waiters should be on roller skates. With half an inch of Vaseline on the floor."

We ordered twelve ounces. It measured out to twelve point five ounces. It tasted great.

After dinner, David suggested a last visit to Steve's Ice Cream, and whistled up a cab. David knows a lot of cabdrivers in Cambridge. He knew the cabbie who was driving the cab we found. So all eleven of us piled into the cab. Eight in the back seat. Four in the front (including the driver). It turned out that that meant there were three Cambridge cabbies in the cab—two of our party of eleven were Harvard Square hackies—plus one ex-cabdriver. Plus one son of a cabdriver. The muffled voice of the son said from the back seat, "My father drove a cab in the Bronx in the twenties. One night, some hard guys held him up, took him into a hallway, took all his money, and then took his pants. That was supposed to make him too embarrassed to follow them. So my father went into the gasoline business."


THE
BARRIES
O'BRIAN

*"We've had a lot of fun fixing up this place, but you know how it is—whenever you think you're done, there's always something else to do."*

# UNPSYCHIC MAN OF THE YEAR

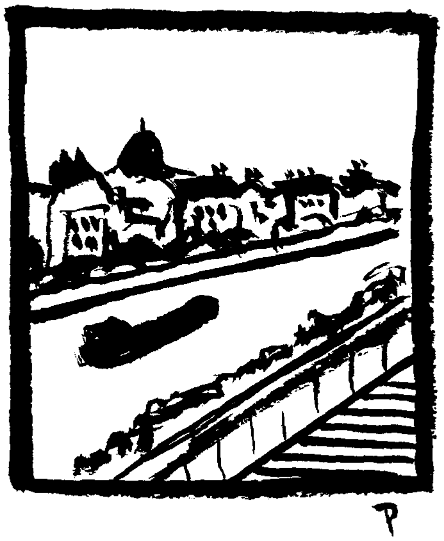
WHILE compiling research for my forthcoming best-seller, "Alpha, Beta—Who's Got the Psi?" (which has already sold one hundred and twenty-five thousand copies in paper, although I have only completed a four-page outline), I chanced to meet an incredible man. He is Alben Sigafoos, thirty-eight, of West Haversack, Colorado. Alben has an uncommon, almost unbelievable gift called USP (unsensory perception), which reputable scientists are utterly at a loss to explain. When asked, for example, to hazard which one of a number of ordinary Zener cards—marked with squiggly lines, circles, stars, crosses, or rectangles—you hold in your hand, he is unable *ever* to come up with the right answer. If you jingle the contents of your pocket or change purse and then remove something that you hide in your fist, he will rack his brain and then confess that he hasn't a clue about what it is that you are holding. If you give in and tell him it's a coin, he will scratch his head and finally admit that he simply cannot decide whether it is a penny, a nickel, a dime, or a quarter. Astounding but true!

Since nearly everyone who has met him tends to pass all this off as some form of cheap stage magic, Sigafoos was barely noticed until a cub reporter for the West Haversack *Democrat-Republican* chanced to sit next to him at the counter of a Sugar 'N' Spice coffee shop and thus discovered that this unique individual possesses another, even more unusual gift. When handed a set of ordinary household keys, Alben Sigafoos, after some urging, will select one key at random and then concentrate on it intensely for two or three minutes. His concentration is formidable; you can almost feel the energy radiating from his brain. When he gives that key back to you, *it is perfectly straight!* I have seen this done again and again, and it can't be any mere trick, because Sigafoos can make it happen with any key that anyone, friend or stranger, hands to him. (Well, *almost* any key: a bent key will come back bent.) When I recently asked Alben about this eerie, unpsychokinetic power, he blushed. "Aw, why would anybody want to bend a key?" he said enigmatically. "I mean, people would get sore, wouldn't they?"

When Alben Sigafoos was invited to Oral Roberts University last fall on an all-expenses-paid trip, he astounded some of the coolest and most skeptical minds in the country by demonstrating his straight-key phenomenon hundreds of times, under laboratory-controlled, "double-blind" conditions. In the end, none of the keys was found to be out of line by so much as a micromillimetre, and the assembled scientists threw up their hands or shook their heads (or both) in bafflement.

During my visit to West Haversack, I subjected this man to a thorough interview-in-depth, in the course of which I found other remarkable things about him. For example, Alben has never in his life had a premonition that later came true. In fact, he can't remember experiencing a recognizable premonition in the first place. He says he dreams only rarely ("maybe once in a blue moon") and that his dreams, when they do come, are about "ordinary things like the multiplication table and Ohm's law and the Sears, Roebuck catalogue." The only precognitive ability he has shown is guessing which of three colored lights will go on next, but he can only do that when watching the traffic light at the corner of Main and Osage Streets in downtown West Haversack, where he may be found on most Saturday nights. He has yet to experience the common transcendental feeling of leaving his body ("Who would want to do that?"), and Kirlian photographs of his head come back unexposed, instead of showing the customary spectral corona. He claims not to understand *déjà vu*, and a psi graph of his alpha, beta, and theta waves shows a ruler-straight line. Asked to comment about this, a customarily dour and uncommunicative Edinburgh psychologist remarked, "It's unkennae, wha bracht unkennae."

Finally, however, after several hours of unremitting questions, Alben suddenly broke down and admitted to me that he had recently attempted to communicate with his departed mother. "I called her in San Diego last month," he said. "She'd gone down there and moved in with her friend Fred last December, but they must have took off again, because some stranger answered the phone. It cost me $1.15, for nothing." Once last summer, I learned, Alben's furniture moved unexpectedly in the night, but he wasn't much surprised, since he was eight months behind on his payments at the time.



Sigafoos, an apprentice mukluk-stitcher, is unemployed at present and rather at loose ends. His only hobby seems to be collecting pictures and data of what he calls IFO (Identified Flying Objects) sightings. He showed me some of the voluminous files he keeps on the subject, and I examined a number of blurry snapshots of sparrows, pigeons, pop flies, airliners, acrobats, windblown newspapers, and so forth. Sigafoos believes almost fanatically that the skies above us are full of flying objects, all of which can be traced as coming from the planet Earth. If his theory is true, he explained, there are no creatures or thinking plants from outer space visiting or observing us, and hence nobody is superior to man. "Think what this means!" he said, warming to his favorite topic. "If no one has the ability to communicate with us, then we must be the only intelligent form of life in the whole ballpark. I mean, we're the king of the castle and they're the dirty rascals. And *that* means that we don't have to waste our time thinking about any danged foolishness that we can't see, right? A lot of folks around here think I'm crazier than a bedbug for believing this, but most of the great thinkers in history have been called loonies, so that don't bother me none."

I was seized with a sense of icy foreboding. It was time to break off the interview. Aware at last that I was in the presence of a true nonsensitive, the ultimate ultra-mundane man, I quietly gathered up my notes and pencils and made good my escape. At the door, I looked back at Alben and almost stopped to ask him his sign (I had sized him up as a classic Taurus, of course). But then it came to me that he might actually claim not to know the answer, and I closed the door softly. What a fruitcake!, I thought, suddenly grateful that Alben Sigafoos couldn't read my mind.

—F. P. TULLIUS

# AFTERNOON OF THE HOUSE

THE river called Tambaraparani winds through the very far southern plains of India. The gardens of the big house swept right down to its banks. From the verandas you could see the sunlit shimmer of water, with the arc of the bridge lying darkly over it, and from the bridge you glimpsed the pillars of the house gleaming white between the trees. Trees of many kinds. Pipal and papaya, a jackfruit, three varieties of mango, feathery bamboo clumps that rattled like castanets in the wind, fishtail palms swinging their tassels just where the lawn began, and a whole avenue of terminalias edging the garden wall. They went swaying up to the sky, letting the sun filter through the leaves and fall in patterns of dappled silver on the path below. When you stood there and looked up you were lost in a world of green, and if you shut your eyes the green still remained, cool behind your lids.

Mina came here in the afternoons because it was the afternoon part of the garden—the best place to be when it was too hot everywhere else. The morning part lay on the other side of the house, hidden from the river, where the garden soon stopped being a garden and turned into grounds of drying grass and thorn and snake-ridden undergrowth and old, old trees stretching away so far that you could not see the low stone wall marking the boundary. In the evenings, you couldn't venture into this wilderness without being warned by one of the grownups—either from the house or the servants' quarters: "Come back! A cobra may bite you!" But now in the afternoon it was too hot even for cobras, so hot you could almost hear the grass scorching beneath the sun.

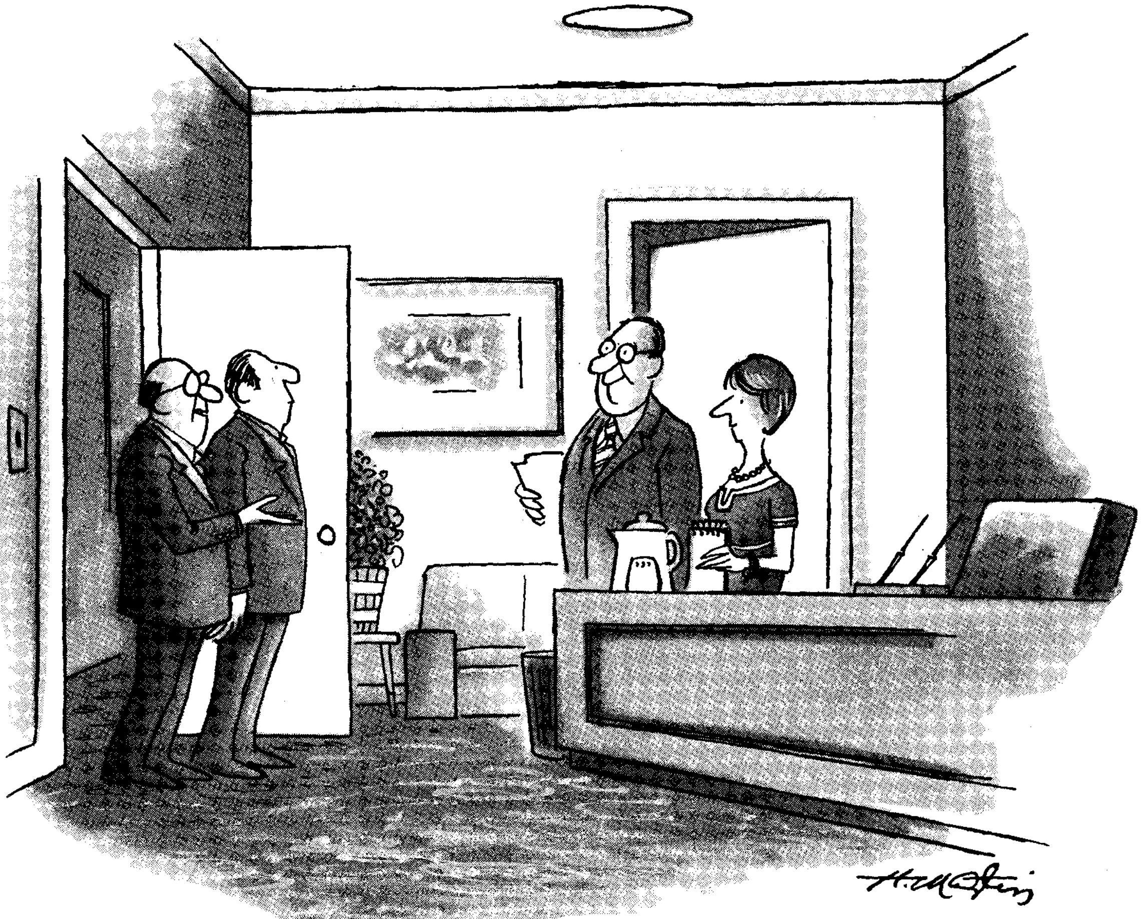
At the house, woven screens of cane and blue cloth were let down between the pillars of the verandas, the outer doors were closed, and the floors were sprinkled with water, glimmering cool in the dimness. Mina's mother rested upstairs, the cook had gone back to his quarters after lunch, and the red-uniformed attendants snoozed outside her father's office room. Soon her mother would come down, household keys jingling at her waist, and open the storeroom to take out tea and sugar and things to eat, and Govinda would return, muttering a little about the heat and wondering why the family couldn't have tea later or not at all. At that, Mina's mother turned around and smiled at him, and he stopped mumbling, because he would have gone to the ends of the earth to please her.

Govinda had come to work for the family long before Mina was born. Mother said he had been a skinny, silent boy who fell asleep at every opportunity—sitting, standing, cooking. Even waiting at table he stood on one leg, like a stork, leaning against the wall, and slept between one course and the next. When Grandmother saw him, she decided he must have been a night watchman in his last life, since he had so much sleep to make up in this one. But Mina's mother did not mind. He was a village boy from the west coast, she said, and the noise of the towns probably drove him to sleep. Then one day Govinda fell ill—so ill that the doctors thought he would not live, but Mina's mother brought him home from the hospital and nursed him back to health. After he recovered, Govinda didn't sleep like that anymore and called Mina's mother Amma, which meant "Mother." Now everybody called her Amma.

Besides Govinda, there was Ahmed, who drove the car, and Paliah, who called himself a butler. Paliah used a separate part of the kitchen, where he cooked all meals containing meat or fish or poultry. If Grandmother or one of the orthodox elders happened to be visiting, he never came over into Govinda's part to borrow a knife or return the flour. He stayed where he was, very busy and important and quiet, until one of the elders remarked approvingly to Amma, "Ah, so you have separated the non-vegetarian side of the cooking? That's a relief. It's a pity your husband has to entertain so much—but if you *have* to feed foreigners I suppose you must give them the sort of food they are used to." Amma always smiled then, but said nothing.

Mina knew that once, long ago, when her father had won a scholarship to study abroad, his uncle had prayed at the family shrine that something should happen to prevent the trip, so that Father wouldn't have to cross the seas and lose his caste. But Father had crossed the seas all right, and eaten meat, and so did his family now. The uncle was dead these many years, and his sisters, the great-aunts, only sighed and shook their heads and said the world was changing. They were glad all the same that the kitchen had a clean vegetarian section presided over by Govinda ("And he's a better Brahman than all the rest of us put together," Father reminded them often, making no bones about it), so that they need not worry about eating impure or unclean food when they came over for a visit.

*"We haven't done anything really crummy for a long time."*



"This is my executive suite and this is my executive vice-president, Ralph Anderson, and my executive secretary, Adele Eades, and my executive desk and my executive carpet and my executive wastebasket and my executive ashtray and my executive pen set and my . . ."

"Clean, ha?" Paliah mumbled to Mina. "What's all this fuss about clean and not clean?" Paliah hated baths on principle, and ate raw onions and smelled horribly when he came close to you. "Aren't you ashamed?" Amma would scold him gently. But Paliah only grinned, his teeth flashing white and unabashed in his shiny dark face. However, since he also respected her very much, to oblige her he went home and bathed—on one occasion, not being used to baths, catching a cold, which led to pneumonia, which meant he had to be hospitalized. When he returned, very happy to be back, Father asked him, "Well, aren't you dead yet?" And Paliah grinned broadly and replied, "No, sir, not yet." Father and Paliah understood each other.

Govinda had lived with the family for more than ten years, Paliah for nine, and Ahmed for eight and a half, but all the others were from Tirunelveli, the town across the river. There were the four gardeners; Chellapan, the water carrier; his mother, who did the floors; and his wife, Mariamma.

Mariamma came to look after Mina when the old ayah went home on vacation. She was young and strong, her body pliant as a dancer's but firm at the same time, like the bodies of the women who worked in the fields. Her hair was combed straight back, shiny and oiled, into coils of gleaming black at the back of her head, and always she had a wad of betel leaf in her cheek, staining her small white teeth a glinting red. She swayed when she walked, and men stopped working to look up and watch her pass—very proud and silent, smiling rarely and then only at those she felt were worth smiling for. Mariamma's husband was a thin, sickly man. "Because he also comes from a family of Christian converts, they married me to him," she once said bitterly to Amma. "What do I care what names they give to religions?"

But for the past few weeks Mariamma had begun to smile. She hummed to herself, and taught Mina songs they sang in her village when the moon was full and palm toddy flowed and the harvest had been gathered from the fields. One song was about an uncle who pawned his loincloth to buy a pound of guavas—"Don't tell your parents." But Mina couldn't resist trying it out on the grownups. The servants shook their heads meaningly, but her parents only laughed and dismissed it as if it were the most natural song in the world, which took all the naughtiness out of it.

Meanwhile, Mariamma continued happy and talkative. Last week, she said, there had been a big fight in her house. Mariamma's mother-in-law, who came every day to the house to sweep and wash the floors, had protested loudly, "This is not right—a good Christian girl like you going day after day to a Hindu swami. Don't you care about the church anymore?" But Chellapan had said, "Mother, let her go. What does it matter if a swami is Hindu or Muslim or Christian, so long as he is a holy man? Let her go if she needs his wisdom." Mariamma told Mina, "My husband is a good man—but what can you do?" What can you do about what, Mina wondered. But she didn't ask, because Mariamma's eyes were bitter and faraway, and that was a look she hadn't worn since she started going to her swami.

Very soon after, Govinda and Paliah began to talk about the swami across their respective halves of the kitchen. "*Some* holy man." Paliah winked. "Bold black eyes and all." But Govinda reproved him austerely. "It is not for us to discuss."

"Mariamma, what is your swami like?" Mina ventured at last.

"He's a fine man, he heals people," Mariamma replied with a fierce toss of her head. "Let them talk."

If he was a healer, that was different. Govinda had told Mina about healers. There was the stationmaster in a remote Andhra town who could cure snakebites even by telegram, so great was his power. And the *mantra-*

# OBJECTS & APPARITIONS

(For Joseph Cornell)

Hexagons of wood and glass,
scarcely bigger than a shoebox,
with room in them for night and all its lights.

Monuments to every moment,
refuse of every moment, used:
cages for infinity.

Marbles, buttons, thimbles, dice,
pins, stamps, and glass beads:
tales of the time.

Memory weaves, unweaves the echoes:
in the four corners of the box
shadowless ladies play at hide-and-seek.

Fire buried in the mirror,
water sleeping in the agate:
solos of Jenny Colonne and Jenny Lind.

"One has to commit a painting," said Degas,
"the way one commits a crime." But you constructed
boxes where things hurry away from their names.

Slot machine of visions,
condensation flask for conversations,
hotel of crickets and constellations.

Minimal, incoherent fragments:
the opposite of History, creator of ruins,
out of your ruins you have made creations.

Theatre of the spirits:
objects putting the laws
of identity through hoops.

"Grand Hotel de la Couronne": in a vial,
the three of clubs and, very surprised,
Thumbelina in gardens of reflection.

A comb is a harp strummed by the glance
of a little girl
born dumb.

The reflector of the inner eye
scatters the spectacle:
God all alone above an extinct world.

The apparitions are manifest,
their bodies weigh less than light,
lasting as long as this phrase lasts.

Joseph Cornell: inside your boxes
my words became visible for a moment.

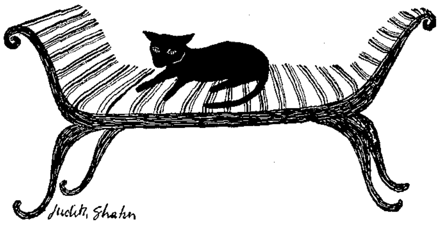
—Octavio Paz

(*Translated, from the Spanish, by Elizabeth Bishop.*)

• •

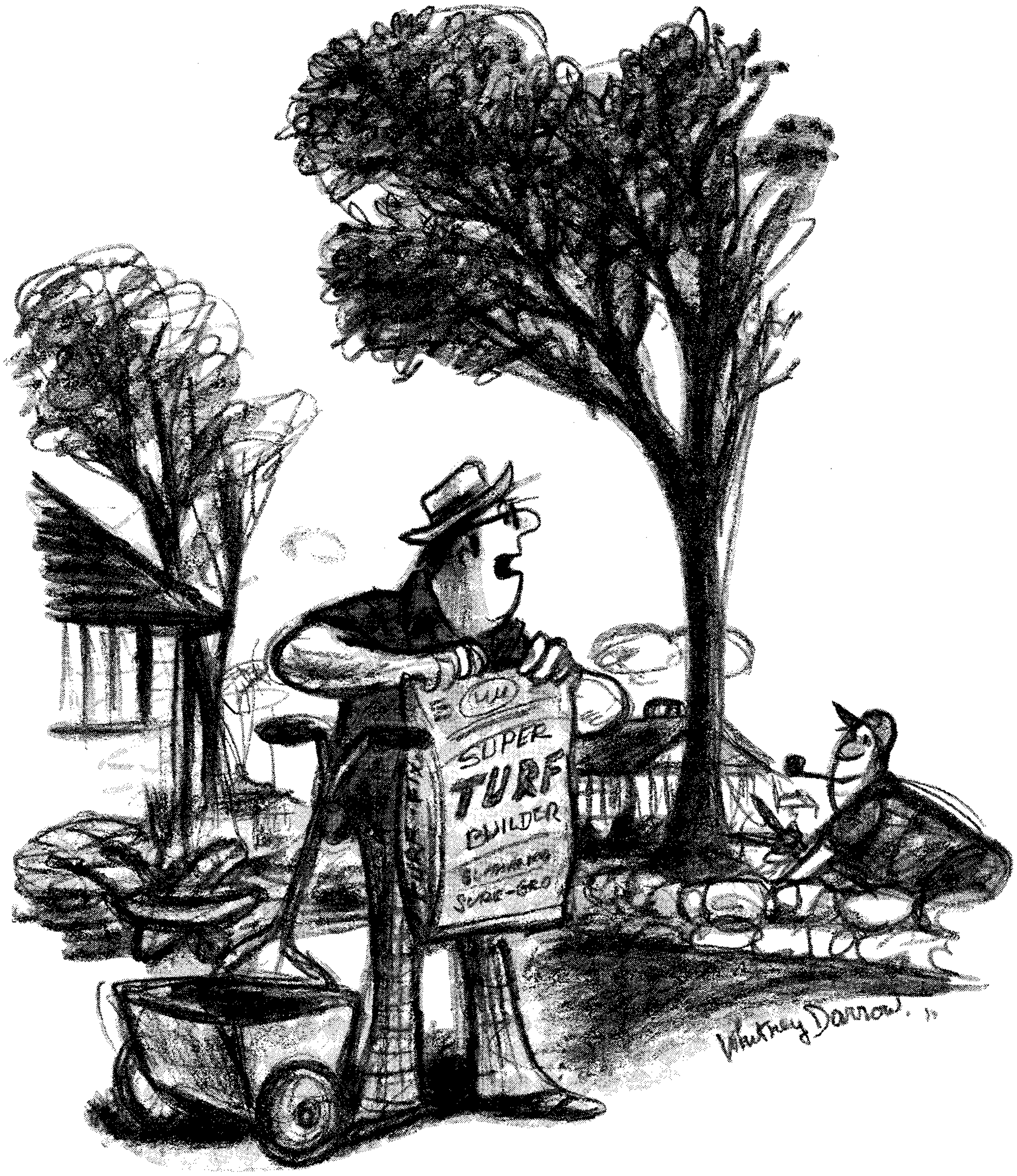
*vadi* right here in town, who uttered secret mantras and applied secret balms and healed Ahmed's wife when she was bitten by the biggest scorpion anyone had ever seen and nothing else—not even the doctor's injection—helped. Ahmed had driven her to the *mantravadi*, carrying her to the car, for she could hardly move. When he brought her back, she walked, jaunty and smiling, to her house. "As if she never saw a scorpion in her life," Govinda commented. He added sternly to Mina, "These are good men, these healers; they have to be. They can never take any payment for their cures, because if they do—" He snapped his fingers. "Pffft! The gift of healing is gone, like that. So they must make their living in some other profession entirely, which has nothing to do with this. *This* is handed down from father to son, from guru to chela. A secret. Nobody knows how it is done, but everybody can see the result. You saw it just now—how she went into the car? How she came out half an hour later? Remember that."

Because Mina remembered so well, he even told her his own secret. A neighbor in his west-coast village had instructed him: "Soak your scorpions in a jar of spirit. Let their poison saturate it for at least two weeks. Next time someone is bitten, apply the spirit. It will cure the bite." So every time a scorpion appeared from behind a flowerpot or out of the bathroom drain or in somebody's empty shoe, he took his kitchen tongs and plucked it carefully out, then immersed the wriggling creature in a bottle hidden behind a stack of old kerosene tins. Scorpions of every kind floated in the pale golden liquid, claws and legs and tails coming together in patterns so beautiful and frightening that Mina could scarcely take her eyes off them: small pallid ones no bigger than a house lizard, middle-sized red ones, and great black ones that convulsively opened and closed their claws long after they were dead. But when one of the gardeners was stung by a scorpion and the liquid applied, it did no good at all; the doctor proved a far better help that time. Resignedly, Govinda poured out the contents of his bottle into the wild grounds behind the house. "I didn't have the right mantras to utter with it, that's what happened." Perhaps Mariamma's swami would agree to teach him the correct words. Could Mariamma persuade him?



But Mariamma tossed her head more fiercely than ever. "If people want his advice, let them come and ask themselves." She had begun to change again. When she laughed now, it was as if she had a fever; her eyes were too bright and as restless as bamboo leaves, her hand trembled.

BEFORE the ayah left on her holiday, Mina had spent the afternoons with her. Everything was quiet. She told the old lady, "You go to sleep. I'll be right here." And Ayah would spread out her sari beneath her head and settle down for a nap. Mina played on the drawing-room carpet with four red *manjuti* seeds, placing them precisely on the woven pattern and having them set out on adventures from one end of the carpet to the other. The blues were rivers, the greens jungles, and the reds fortresses, with demons guarding the rajas' treasures. Before the seeds had finished fording a couple of rivers and battling with a demon or two, she became aware of the quiet growing. Every time she looked up, she found herself staring at the glassy eyes



*"I've stemmed the advance of pigweed, buckhorn, and dog fennel, and curbed the inroads of goosegrass, pennywort, and creeping beggar, but it's still nip and tuck with henbit, purslane, and sow thistle."*

• •

of a mounted tiger skin on the wall. She knew it was dead, that man-eater, because her father had shot it; and if you touched the fur by its neck you felt the old bullet wound marked by a ragged spot. But its head was very big, the mouth snarled wide open, baring ferocious fangs, and the glass eyes stared unblinkingly. Mina stared back, opening her mouth wide, making it full of fangs and her eyes glassy, and after a while everything was all right again. She went back to her game, the house went back to being nicely quiet, and Ayah snored a little.

"Ba-by!" Paliah yelled from the kitchen, exploding the silence. (All the servants called her Baby, and at first she thought it was a word in their dialect, but Amma said no, that was English, which the memsahibs had taught them.) "Baby! The temple elephant is here."

Mina scrambled to her feet. Outside, on the gravelled drive, the elephant stood huge and patient, planted heavily on its legs, its trunk swishing slowly from left to right and back again.

"She's hungry," the mahout said, smiling.

"What is her name?" Mina had asked him the first day they came.

"Shanthi. It suits her—she is very peaceful."

Each time now, Mina asked, "What shall I give her today?" and he replied, "Oh, anything you like. Only make sure when you feed her that she doesn't eat up your hand as well."

That was a joke, so they both laughed. Then Mina went in and got half a coconut from the kitchen. Though Shanthi was a peaceable elephant, there was a frightening moment when you stood near her with your hand holding out the coconut, and the long trunk swept upward into the sky and came bearing down at you from an immense gray height—poised for a second, and then *down*. . . . And there was a furry wetness on your hand, which you held very firmly as Shanthi took the coconut and slipped it under her trunk into her mouth, which was actually the place where her nose and her mouth met.

"Say 'Thank you,'" the mahout said. "Salute the little miss—"

But Paliah called out a warning from the kitchen. "Better not. It'll waken the whole household."

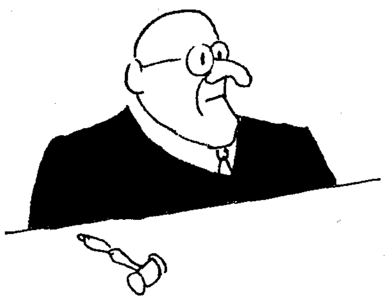
So Shanthi merely lifted her trunk in silence and then turned around, lumbering, and walked back down the drive toward the gate, her trunk swishing from side to side and her tail hanging small and absurd between her huge hind legs.

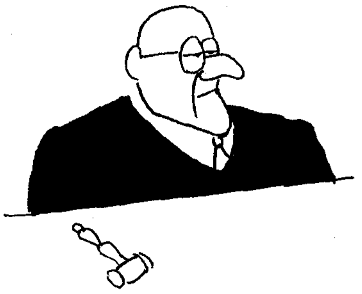
Now it was not the sleeping ayah but Mariamma who shared Mina's afternoons, and she had very sharp hearing. Long before Paliah could call out from the kitchen, she would cry "The elephant!" and, taking Mina's hand, run swiftly out.

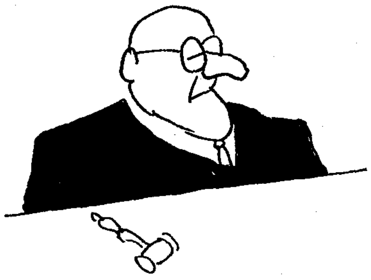
Shanthi waited in her usual place, flapping her ears in a leisurely fashion against the flies and shifting her weight from one enormous foot to the other. If ever Paliah happend to look out of the kitchen window and notice Mariamma, he always said, "Oh-ho! We know whose brother she has come to ask about!"

"Whose?" Mina asked the first time.

"Mine," the mahout said. When he spoke to Mariamma, it was in an ordinary tone, neither teasing like Paliah nor angry like her mother-in-law. "I







have a message from my brother to all his devotees. He will hold a prayer meeting by the riverbank this evening." Or, "tomorrow evening." Or, "day after tomorrow, late in the evening."

On those evenings, Mariamma was nowhere to be seen around the house. After tea, the blue screens were rolled up between the pillars of the verandas and all the doors were thrown open to the evening. Then the gardeners watered the lawns and flower beds, filling the air with a scent of rain. As the sky turned slowly gold, parrots by the hundreds screeched and swooped and darted to their nests, until every tree was fringed with a halo of chattering green brighter than its own leaves.

In the courtyard behind the kitchen, Chellapan's mother put away her brooms and drank a last tumbler of tea before going home, grumbling all the time. "Look at her, not home yet. Shameless girl. So disobedient. So disgraceful. Possessed by a demon she must be. Possessed."

"She'll be all right," Govinda said from the kitchen, his voice sounding rough as it sometimes did when he was ashamed of his own kindness. "You go home, old one. She'll soon be back."

But one evening Mariamma did not come back, even very late. Shadows grew thick along the riverbank; the water turned first paler and then deeper than the sky. Mosquitoes came out in droves, whining and biting. Inside the house, Paliah flushed them out with some clean light incense sprinkled on a container of burning coals. As he carried it from room to room, the fragrant blue-gray smoke streamed out behind him, furling up to the ceiling and around the furniture and across the beds with the mosquito nets floating above them like great white moths. By the time he was done, dusk had hidden the garden. Small rustlings came from the undergrowth. An owl hooted eerily through the leafy dark.

The sound lay trapped in the back veranda downstairs. For no matter how many lights you turned on there, they were never bright enough. Coming in from the garden or another part of the house, you felt a sudden dank chill. "Like falling into a stagnant pond full of weeds," Ayah said once. "All old houses have a place like that," she'd added comfortably. "It's nothing. If *I* don't know that, being so old and having scarcely a single tooth left, who does?" And she was so pleased with her many years and few teeth that Mina had to laugh with her.

But on an evening like this, between dusk and dark and with Mariamma not home yet, you couldn't laugh. It was a relief when Amma called her to come and wash up. "Then you can tell me what to wear—your father and I are dining out tonight." Amma's room stayed warm and safe. The wardrobe smelled of sandalwood and good silk; saris glowed like jewels up and down the shelves, making it difficult to know which to choose—the white-and-gold, or the gray chiffon with jagged silver embroidery like lightning against monsoon clouds. "The white," Amma decided.

The lights in the house had come on one by one: on the staircases north and south, down the long verandas, in the high shadowy rooms. Pools of reflections sprang up along the floor, and Amma's white-and-gold shimmered across them as she hurried down to join Father. He was reading a book, dressed and waiting alone among the tiger skins in the drawing room. And just as he put his book down, saying "Shall we go?," the old mother-in-law could be heard shrilling across the dark garden, up the steps of the back veranda and into the house.

"A shame! A disgrace!" She was tugging at her hair and beating on her chest like a mourner. "What a crime to commit on me in my old age! She has dishonored us all! I knew she would, I knew it—"

"What happened?" Father asked, and because he had not raised his voice she lowered hers.

"Sir, it's my daughter-in-law. Last seen on the riverbank." When the old woman was angry, her neck darted out like a cobra's hood and drew back in again. "She has run away with that ruffian, mark my words. They've run off together. Oh, the *shame* of it!"

"Mother." Out of the shadows a figure appeared. Chellapan. How long had he been standing there? Thin, stiff, face averted, his voice low and dead in the darkness. "It may not be true. If it is—"

"If it is, we must find them," the old woman cried out to Father. "I implore you—not only as head of this district but as one who knows our family and our name. They must be caught and punished."

What Father replied Mina never knew. "Come, child, your dinner is getting cold," Amma said, and shepherded her into the dining room. "Finish up and get to bed soon. It's late."

Mina hung back. "Mariamma? She's lost?"

"Don't worry," Amma said gently. "They'll do their best to find her."

MARIAMMA returned next day at teatime. She was barely recognizable. Like Chellapan, she would look at no one, and now she neither swayed nor glanced her eyes like bamboo leaves. She stood as stony still as if she had been turned into a temple sculpture; when a constable escorted her swami up the steps to the front veranda, she didn't even turn her head.

The swami wore a white dhoti and a blue checked shirt open at the neck. His hair was tousled, and his eyes were exactly as Paliah had described. They roamed up and around and everywhere, from the ceiling to the floor, flicking past people's faces and then up and around again. "Why the police?" he blustered.

"Why not?" Father said equably.

The swami's eyes roamed more than ever. "She was possessed by a demon," he announced. "I had to take her away to exorcise it—that is all that happened."

Paliah leaned against the doorway, out of Father's sight, grinning; even Govinda peered distantly out of the kitchen. From the servants' quarters, coming closer every minute, the old mother-in-law's voice shrilled.

The swami was not disturbed in the least. "Poor soul," he remarked in a pious tone, flicking his eyes at Mariamma and away again. "It was a terrible demon, very strong. She was hopelessly possessed. I had to chant prayers all night long to cure her." There was silence on the veranda. "You don't believe me? I have proof. Right here with me." His eyes went round the faces again. "The demon," he whispered.

A ripple went up Mina's back.

"I have it captured. Here. Now. You want to look?"

Slowly and deliberately in the silence he patted his shirt pocket and took something out—a packet folded together from an old, torn-off scrap of newspaper. Still more slowly and deliberately he unfolded it on his open hand, then extended his palm for all to see. In the middle of the smudgy newsprint lay a small heap of black powder. "There!" the swami declared in triumph. "She finally spit it out this morning." And with a last look around he followed the constable to Father's office, where Chellapan waited.

All the time he had been talking, Mariamma paid no attention to him, staring out beyond the screens with a slight scornful smile. But now that he was gone she moved off down the veranda, taking such slow blind steps—as if she didn't know where she was going—that she ran bang into her mother-in-law.

"*Well!*" the old woman began, standing with arms akimbo and getting her breath for a good yell.

"Hush, hush." Paliah stopped her quickly. "If you must scream, go to your own house and scream. Let's have some peace and quiet here." But he listened to the scene that followed, and acted it out like a play for Mina while she was having her dinner.

"You mean to tell me," the old one had demanded of her son, "you mean to tell me you let that scoundrel go free?"

"Yes," Chellapan said.

"You didn't bring a case against him—you didn't do *anything*?"

"I didn't," Chellapan said.

"You were trying to save our family honor?"

"No," Chellapan said.

"What is this, then—you've become undying friends with that rascal all of a sudden?"

"No," Chellapan said again, very patiently. "I wanted to give him a chance to take her away with him if he wished."

For the first time in her life, the old woman was speechless.

"He didn't," Chellapan said. "He went off by himself, and I think she has suffered enough. Look at her face."

"Her *face*?" the old woman shouted, finding her voice. "Oh God, that I should have given birth to such a fool, such a coward! Why should I look at her face? Out goes one demon and in comes another. You believe all that rubbish? Throw her out."

"Let her stay at least this one night."

"I won't have her in my house."

"Then you won't have me, either."

And Chellapan packed his belongings in a bundle and took Mariamma with him, setting off toward Tanjore on a farmer's hay cart.

In her mind, Mina could see them jogging up and down on the prickly straw, staring stiffly off into different directions while the wheels creaked and whitewashed tree trunks loomed out from either side of the road and the night grew colder and darker.

"Hey!" Paliah exclaimed. "What is there to cry about?"

"Haven't you done enough for one day," Govinda interrupted him angrily, "stuffing a child's head with all that nonsense? Can't you keep your mouth shut for once?"

Paliah wasn't ruffled. "You are angry only because you believed in healers."

"So?" Govinda scowled, angrier than ever. "I still believe. One rogue doesn't make all healers bad. Nothing has changed."

That wasn't true. Everything had changed. The orthodox great-aunts, arriving for a day's visit, thought so, too. When they heard the story, they sighed and shook their heads and said the world was changing—even saints weren't what they used to be.

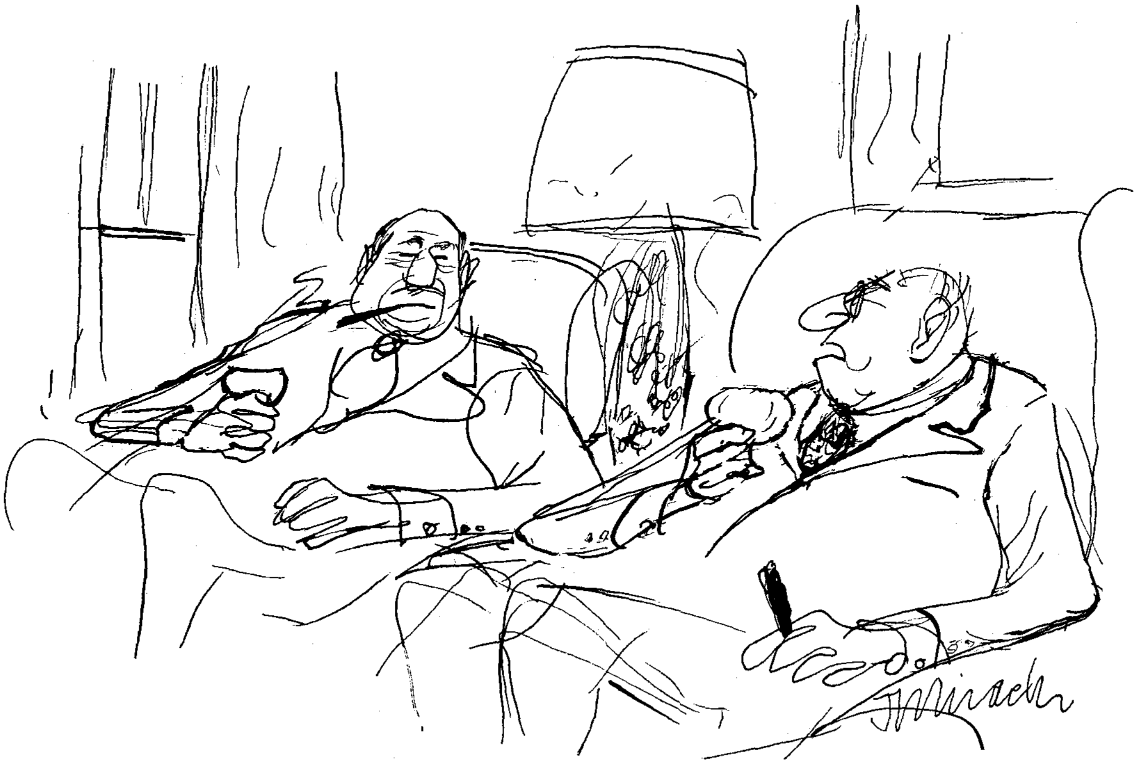
No sooner had they left than Chellapan's mother threw down her broom in tears and went up to Amma. "I can't live without my children. What else have I got in life?" And she took her wages and followed them to Tanjore.

FOR the first time, the afternoons were lonely. Slowly Mina walked down the path to the river, no longer looking up and getting lost in the leaves or pausing to hope in the patches of shade underfoot. The river lay blinding white in the sun. She climbed the wooden gate, rested her chin across its top, and blinked at the dazzle awhile. Returning along the path again, you had to climb a few steps to reach the veranda. *Kanakambaram* flowers grew on either side of the steps, and often in the evenings Mariamma had sat here to string them together, their orange and lavender petals catching the sun and throwing a glow like fire across her face.

Now there wasn't a soul in sight. Up the steps Mina went, down the long veranda, with its screens casting a bland and secret blue shade. Into the dining room, where sprays of antigonon arched like lace against the gleaming rosewood table, and the floor was such a polished and shadowy red that every footstep fell into a rosy puddle of its own reflection. Through the pantry, where Paliah was stacking the dishes away. Past the kitchen, with its clanking hand pump now quite silent. And finally to the window to look at the driveway and find it empty.

"Why doesn't Shanthi come?"

"It's because of the mahout." Paliah glanced quickly over his shoulder



*"Seems like only yesterday we were calling it the 'almighty dollar.'"*

to make sure Govinda had gone home. "He has to save face, you know. After all it was his brother who caused the trouble, so he feels he is partly to blame." Blame, blame. Everybody talked of blame. "Our womenfolk chatter of nothing else. Most of them feel it is Mariamma's fault entirely, how she was evil and brought shame and unhappiness to everyone around her. Others say no, the old woman also should have been more careful; by scolding her daughter-in-law so much about the swami she put ideas into the girl's head." Paliah shrugged. "I myself think Chellapan should have been firmer—he is as much to blame."

"But Mariamma always said her husband was a good man."

"Too good is bad," pronounced Paliah.

Which made everything twice as confusing. If, as Govinda said, healers were good men, could the swami have really been such a rogue—too-good-was-bad all over again? She was still trying to sort it out when Ayah returned from her vacation.

"Good, bad, it's all part of the same thing," Ayah said, preparing her betel leaf after lunch. Swiftly she smeared the lime on, poured in the chopped nuts, and sealed the leaves together, spearing the clove in with a deft flick of her thumb. After she had popped it into her mouth, she chewed for a while before speaking again. "The saint made her happy and the rogue made her sad, but they are both the same person to Mariamma. One person is made up of many things, child, just as one garden is made up of many plants, and one life is made up of many people. The swami came into Mariamma's life just as she came into yours. She may be gone now, but there will always be a bit of her in you. And someday when you grow up you will understand how all this happened and how she felt. Because that is growing. Not how tall or big you'll be but inside here—" She thumped her chest. "Every year, as you grow older, you learn something new. Like how to feed an elephant. Look at me for instance."

"You know a lot?" Mina wondered.

"A bit," Ayah said modestly.

"How old are you, Ayah?"

"Sixty, seventy, something like that. Who counts?"

Ayah had never spoken like this before. Her vacation seemed to have made her a little like Amma, as if she knew without being told when something hurt you, and how not just to soothe it away but make it a part of you. Yet she looked the same—old and comfortable in her starched white sari, with her gray hair and a few teeth. And as the afternoon wore on she grew as sleepy as ever, snoozing in the drawing room among the tiger skins. Mina tiptoed carefully past her and went out to the front veranda.

The lawns stretched all the way down to the river, edged with cannas blazing in every color. A small wind like a sigh stirred the tassels of the fishtail palms, but the jasmine bowers and the dark-red Rangoon creeper lay still and intense under the afternoon glare, the shadows beneath them black in the heat. This, too, was a part of oneself, like scorpions and saints and powdered demons and the loss of Mariamma as well.

If you blinked very fast, you could almost imagine you saw her—not the stranger who had stood so scornfully still on the veranda but the old Mariamma with her smooth brown face and glinting smile as she went swaying down the path to the river, put together with patches of light through leaves. When you looked again, of course, there was no one there. But for a long time afterward, if you shut your eyes, the swaying figure remained like the leaves, cool behind your lids.

—Padma Perera

•

## ANEMONES

Your waxen petals'
  Upturned cups,
Each with a spider
  At the center,
Have stems with beads
  Of pollen like
A honey drop
  Hung from a spike,
Or soft wool fibre,
  Black, erect,
Powdery, wet,
  Yet delicate.

Widening
  Your heavy oils
Into fine satiny
  Wings and wheels
Of fire fused
  On insect legs,
Are you the eye's
  Lasting look
At nothing, nothing
  Before it sees
At last
  Nothing but anemones?

—Howard Moss

# ANNALS OF LAW

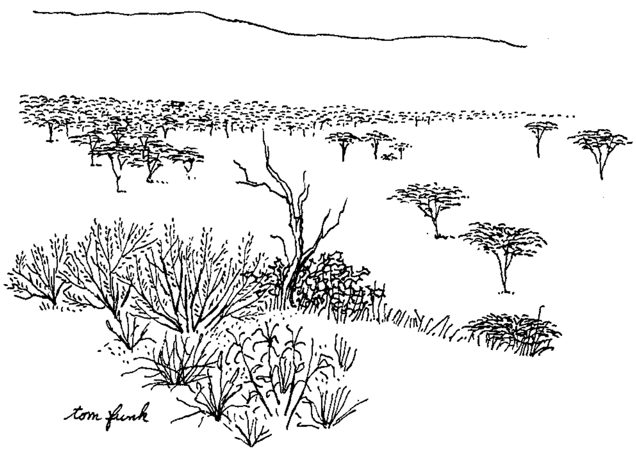
## A SCRAP OF BLACK CLOTH–II

"WE live by symbols," Justice Oliver Wendell Holmes said. For many people, symbols provide the only means of expressing their deeper feelings, and the visible manifestation of the invisible—an engagement ring, a flag, a beard, a Cadillac, a gun, a crucifix, a pair of bluejeans, a monogram—often expresses more in an instant for and about them than their words or acts ever could. Words or acts must first be stated or committed, then interpreted, and finally understood, but symbols immediately convey meaning through a kind of emotional shorthand. And while a statement that is embodied in words or acts lasts only as long as it is remembered, a symbolic statement exists for as long as it is visible. In the political and social worlds, symbols command attention in a way that only the cleverest words and the boldest acts do; in fact, such words and acts rarely have a comparable effect unless they become symbolic—as, for instance, in words like "We shall overcome" or "the silent majority," and in acts like burning draft cards or standing in the schoolhouse doorway. In totalitarian states, leaders use this power of symbols (the swastika, say) to instill obedience through terror. In democratic states, leaders use this power of symbols (chiefly the national flag or anthem) to instill obedience through faith. And in the United States people use this power of symbols to fulfill their peculiar need to express to every passerby their views on everything from love of country (a flag decal on the window of a car) to belief in God (a plastic figure of the Virgin on the dashboard). For such people, reliance on symbols probably reflects simply the desire of the speechless to speak. But that reliance may also create and exacerbate discord within a nation, for the innate power of symbols that can arouse the most passionate feelings of reverence, hope, and love in one person can arouse equally passionate feelings of scorn, fear, and hatred in another.

War inevitably produces symbols. Ordinarily, they are aimed at one goal—unity of purpose—but the war in Vietnam produced a great abundance of them, because the pro-war and the anti-war factions kept trying to best each other symbolically as well as practically. In the end, they did little more than aggravate their mutual hostility, and at times this led to acts of revenge—mostly on the part of the supporters of the war, who defended, and often possessed, authority and power on various levels. No one can tell how many people were ostracized, or persecuted, or dismissed from their jobs, or prosecuted on trumped-up charges, or run out of town because of their opposition to the war, but there undoubtedly were many thousands of them altogether. Those who paid for standing up for their unpopular beliefs probably lived mainly in places where people were generally unaccustomed to dissent from political and social orthodoxy. Of course, America has always been a basically conservative country, and such places abound, particularly in rural and semi-rural areas, where suspicion of anyone who seems different and under outside, or alien, influences is an essential feature of the social structure.

Addison, an upstate New York town of some two thousand inhabitants in the Corning-Elmira area, is a typically conservative small American community. According to a former resident, "Not even God could change Addison," and from all accounts it appears that the people who live there trust that he won't try. In the fall of 1969, when division over the Vietnam war was at a point of crisis in this country, there was scarcely any opposition in Addison to President Nixon's policies. One of the very few opponents there was an eleventh-grade English teacher at Addison High School by the name of Charles James, who decided that autumn that he had to do something, however small, to express his objection to the war. James, a tall, slender man of forty-one with dark hair and a long, bony face, had been a Methodist minister until he turned to teaching a few years before and began attending meetings of the Religious Society of Friends. As a teacher and a Quaker, he felt that he was obliged to publicly state his anguish over the killing that was going on in Vietnam. And as a husband and the father of four children he felt that he had to behave in a reasonably circumspect manner in order to avoid trouble. Finally, he settled on the act of wearing a black armband—a popular symbol of the anti-war movement—as a means of making an unobjectionable protest that would express his religious and moral convictions. He had underestimated the power of even such a mild symbol. Within an hour of his appearing in school with the armband on his sleeve, during the nationwide demonstration against the war known as the Vietnam Moratorium, that November, he was suspended from his job. And when he was allowed to return to school and then wore the armband again during a Moratorium that took place the following month, he was fired.

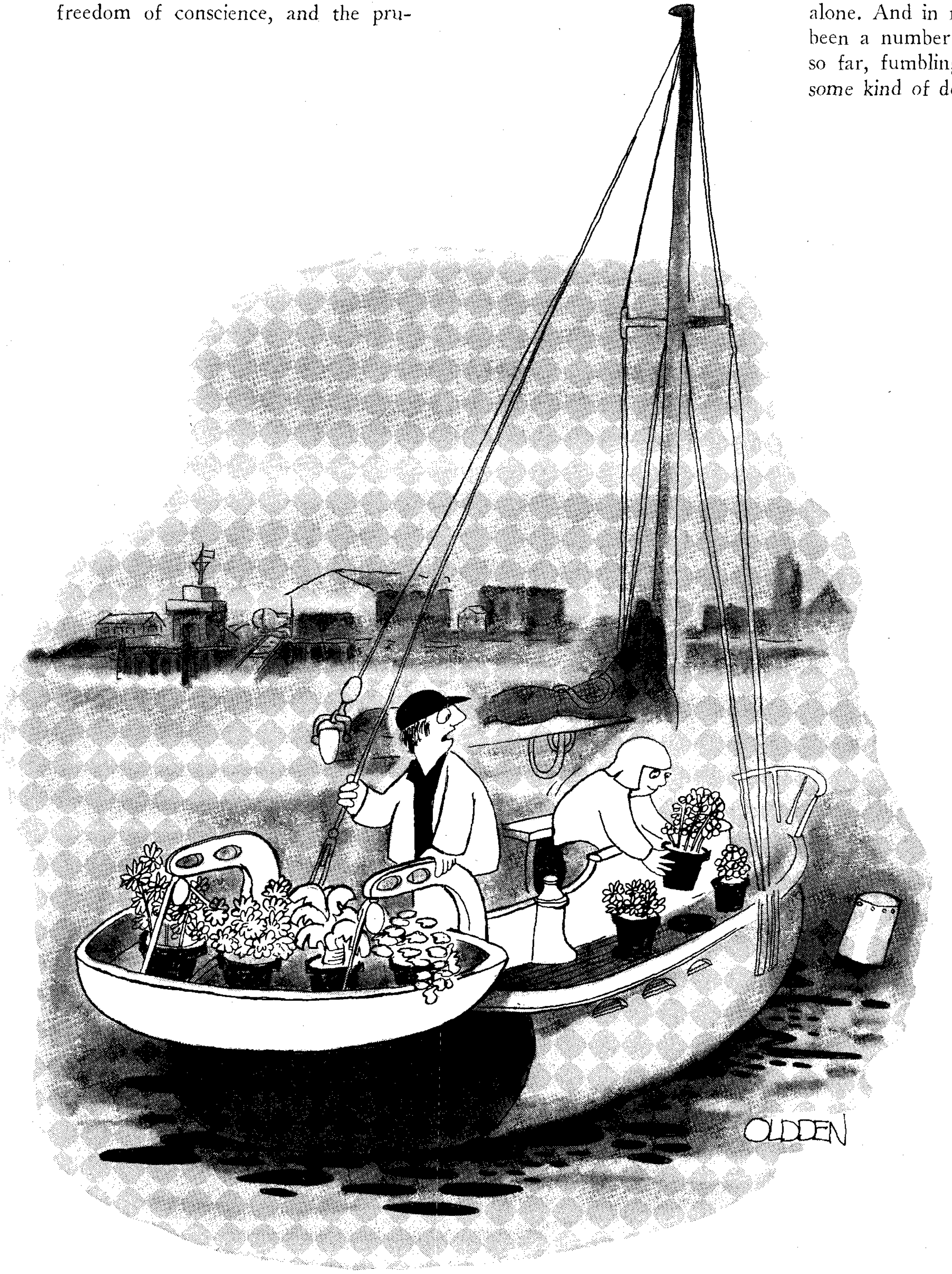
The legal issues involved in James's act of wearing an armband—typical of what the Supreme Court has called "symbolic speech"—seemed at first to be purely personal and not particularly significant. But the rejections of his appeals for reinstatement in his job—first by the State Education Commissioner, who upheld the principal and the school-board members who fired James, and then by a federal judge, who upheld the Commissioner—unexpectedly made the case important, precisely because the act James had committed was so small and inoffensive. If a man could not express himself in such a moderate and indirect fashion, James's defenders pointed out, then a man who expressed himself in a forceful and direct manner would be silenced even more ruthlessly, and any kind of free speech that mattered would be outlawed. In the first two years of James's fight to vindicate his action, he and his family suffered unexpectedly severe hardship. Despite his persistent efforts, he could not find work that would support his family—an unofficial kind of blacklisting, it seemed to him and to others who observed the case at first hand—and the family was compelled during most of that period to live on welfare aid. And from the time he first



wore the armband until today the Jameses have been subjected to the kind of social and professional ostracism that usually is the lot of only the worst enemies of society. In the end, the James case demonstrated some basic truths about freedom of speech—or the lack of it—in the United States.

Mark Twain, who married a woman from Elmira and spent his summers there, once remarked, "It is by the goodness of God that in our country we have those three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practice either of them." Having imprudently practiced both of them at once, James assumed that what he took to be the traditional safeguards of liberty in America would be quickly and decisively raised in his defense. He failed to understand, as almost all Americans have failed to understand, that those safeguards are, and always have been, largely rhetorical. While America may have allowed its citizens freer expression of belief and conscience than most other countries, it has usually granted this latitude because of public lack of interest, not because of legal obligation or devotion to the basic principles of freedom. When words have counted—most of all when they have alarmed the leaders of the nation, of a state, or of a municipality—there has been as little freedom of speech as in the meanest tyranny. In short, freedom of speech does not exist, and never has existed, in the broad way most Americans have assumed. In the place of that freedom, there has been a popular belief that it exists, which has on rare occasions persuaded those who have been tempted to suppress speech to leave it alone. And in recent years there have been a number of judicial attempts—so far, fumblingly tentative—to apply some kind of definition that would set down the proper extent of, and limitation on, speech. Most of these attempts have been forced on the courts by people who, like James, thought they were merely asserting an inalienable and long-acknowledged right when they spoke out and who have gone to law when it was denied them. It is almost entirely because of such people that this nation has any legal precepts at all governing expression of belief and conscience. Unfortunately, the precepts that it has are exceedingly narrow, both in theory and in practice, and their main effect has been to limit rather than to enlarge freedom.

Like many popular myths about America's heritage, the notion that freedom of speech was one of the fundamental goals of the Revolution and since then has been one of our proudest rights in this country has done more harm than good, because blind acceptance of the myth by the public has permitted government on all levels to restrict this right under the guise of protecting it. Also, the belief that Colonial Americans fought for the right of all men to be free to speak their minds has



*"If you don't mind, Edna, I would like to go ashore."*

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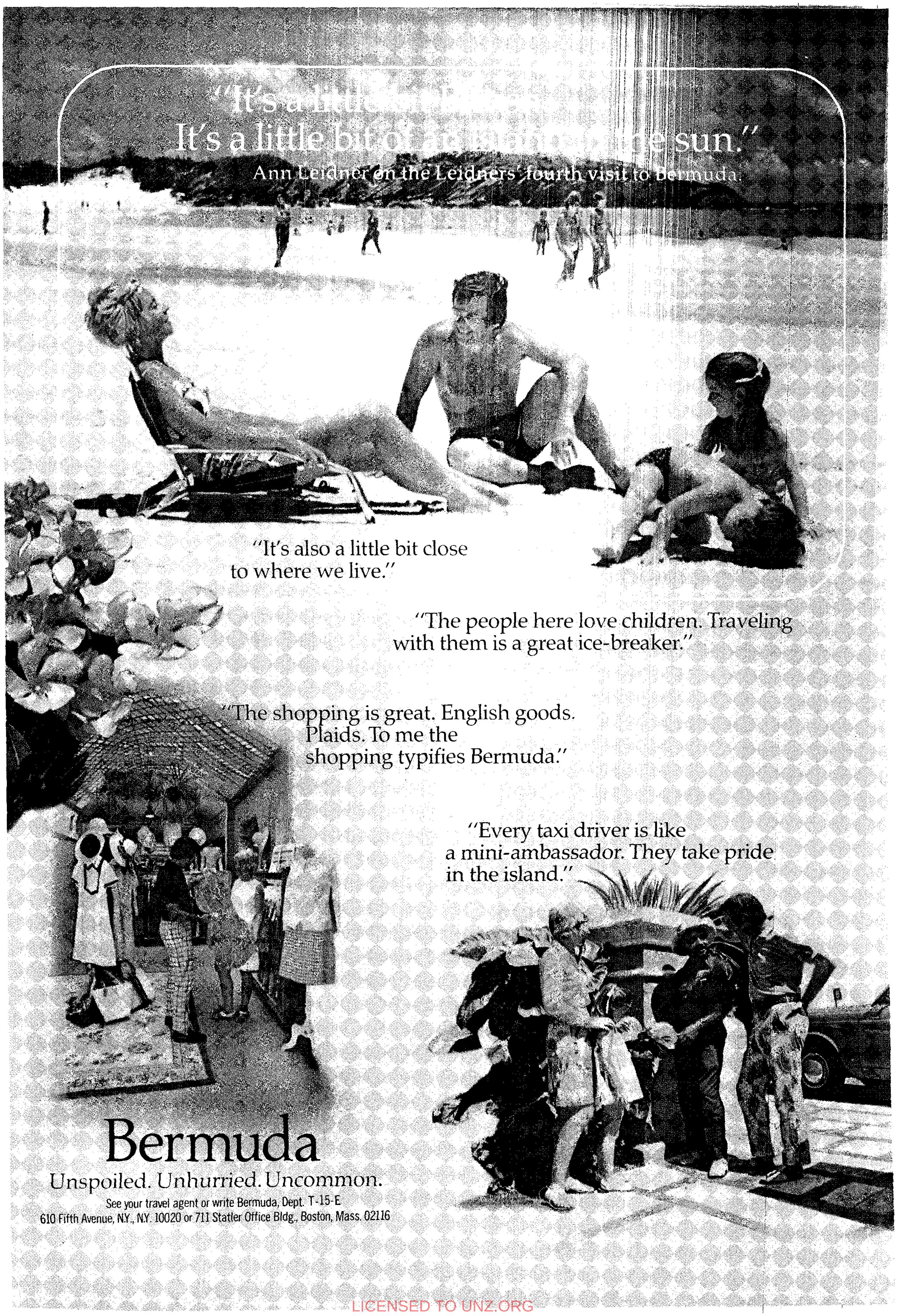

"It's a little [illegible]
It's a little bit of an island in the sun."

Ann Leidner on the Leidners' fourth visit to Bermuda.

"It's also a little bit close
to where we live."

"The people here love children. Traveling
with them is a great ice-breaker."

"The shopping is great. English goods.
Plaids. To me the
shopping typifies Bermuda."

"Every taxi driver is like
a mini-ambassador. They take pride
in the island."

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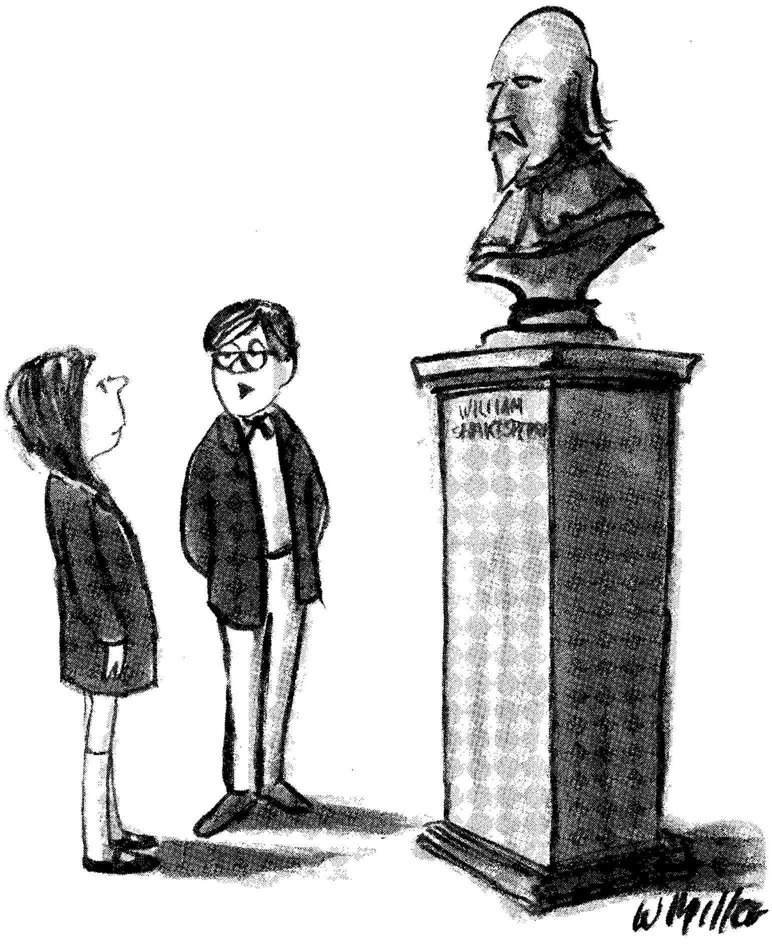
been given overwhelming weight by the standing of those who shared the belief—until very recently, almost all of the nation's leading historians, lawyers, and jurists. In fact, it was not until 1960 that this deeply entrenched myth was seriously questioned by even the most skeptical and sophisticated chroniclers of American history and American law. In that year, Leonard W. Levy, dean of the graduate faculty at Brandeis University, published "Legacy of Suppression," a historical and legal analysis of freedom of speech and the press, which demolished the myth—intellectually, at least—once and for all. "I have been reluctantly forced to conclude that the generation which adopted the Constitution and the Bill of Rights did not believe in a broad scope for freedom of expression, particularly in the realm of politics," Dean Levy began his book. It was small wonder that he was reluctant, for his work flew in the face of all accepted scholarship and established wisdom, and, even more risky, it repudiated more than a century of liberal dogma. Since the book appeared, some libertarian writers who seem to believe that we cannot have freedom unless we have a heritage of it—most notably Irving Brant, in his book "The Bill of Rights"—have gone to frenzied lengths to refute the idea that Levy presented. They have not succeeded. On balance, Levy's conclusions (and the fact that he did *not* want to reach them) have persuaded most of the nation's leading historians and legal scholars that he was right. Of course, the popular myth has scarcely been dented. Its survival is far more dangerous than its death would have been, for the people are not going to demand what they believe they already have.

For several centuries, the rulers of England justified suppression of speech and writing on the basis of a doctrine known as "seditious libel"—in effect, any criticism of the form, laws, officials, symbols, conduct, policies, and virtually every other aspect of the existing government. With elaborate documentation, Dean Levy demonstrated that all the great philosophers and defenders of liberty of speech "from the time of Milton to the ratification of the First Amendment substantially accepted the right of the state to suppress seditious libel." He added:

> I find also that the American experience with freedom of political expression was as slight as the theoretical inheritance was narrow. Indeed, the American legislatures, especially during the colonial period, were far more oppressive than the supposedly tyrannous common-law courts. The evidence drawn particularly from the period 1776 to 1791 indicates that the generation that framed the first state declarations of rights and the First Amendment was hardly as libertarian as we have traditionally assumed. They did not intend to give free rein to criticism of the government that might be deemed seditious libel, although the concept of seditious libel was—and still is—the principal basis of muzzling political dissent. There is even reason to believe that the Bill of Rights was more the chance product of political expediency on all sides than of principled commitment to personal liberties.

At the Constitutional Convention of 1787, a motion to add a bill of rights to the document being drafted was unanimously rejected. When the proposed Constitution was submitted to the states, the two great public controversies over it were the magnitude of the sovereignty it required the states to surrender to the federal government and the absence of a bill of rights. "Yet it is astonishing to discover that the debate on a bill of rights, during the ratification controversy, was conducted at a level of abstraction so vague as to convey the impression that Americans of 1787-1788 had only the most nebulous conception of the meaning of the particular rights they sought to insure," Levy wrote. The subject, he went on, was "a grand topic for declamation," but no one—including such men as George Mason, Patrick Henry, and Thomas Jefferson—seemed to know what it meant in any specific way. Scanty records of debates on the matter reveal almost nothing about popular or private sentiment on the subject, and contemporary newspapers, pamphlets, and broadsides reveal little more. Surely, Levy repeatedly pointed out, if there had been some broadly accepted view or philosophy that prevailed at the time, it would have been mentioned somewhere.

Eleven of the original states had constitutions of their own, and ten of them didn't mention freedom of speech. The one state that constitutionally protected it was Pennsylvania, and during the Revolution its authorities were perhaps the most vicious transgressors of that right in America. When James Madison, "the Father of the Constitution," proposed to the First Congress the addition of a bill of rights to that document to satisfy popular demand, he called for protection against state violations of the rights of conscience, the press, and trial by jury; his proposal said nothing about speech. A committee of the House of Representatives added freedom of speech to the proposal, and the House itself approved the amendment by the two-thirds majority required by the Constitution. Members of the House seemed to feel, as did Representative Madison, that the states were more likely to usurp these individual rights than the federal government was, but



*"He was a very, very, very, very, very, very, very, very, very, very, very, very, very, very, very important writer."*

# DECEMBER RIVER

After the brown harvest of rains, express lights
Are riding behind bare poles.

As the flood clears to cider and shrinks a little,
Leaves spinning and toiling in the underboil,
I go to find salmon.

A frost fragility hangs.
Duck-eggshell emptiness, bare to the space-freeze.
Jupiter crucified and painful, vapor-trails keen as incisions.

Blackly
Crusty tricorn sycamore leaves are tick-tocking down
To hit the water with a hard tiny crash.

From under the slag-smoke West
The molten river comes bulging
With its skin of lights.

Too late now to see much,
I wade into the unfolding metals.
This vein from the sky is the sea-spirit's pathway.

Here, all year, salmon have been their own secret.
They were the heavy slipperiness in the green oils.

The steady name—unfathomable—
In the underbrow stare-darkness.

They had leapfrogged the river's fifty-mile ladder
With love-madness for strength,
Weightlifting through all its chimneys of tonnage

And came to their never-never land—to these
Gutters the breadth of a tin bath.
And dissolved

Into holes of obviousness, anchored in strongholds
Of a total absence, became
The transparency of their own windows.

So day in day out, this whole summer,
I offered all I had for a touch of their wealth—
I found only endlessly empty water.

But I go now, in near darkness,
Frost, and close to Christmas, and am admitted
To glance down and see, right at my heel,

A foot under, where backwater mills rubbish,
Like a bleached hag laid out—the hooked gape
And gargoyle lobster-claw grab

Of a dead salmon, and its white shirt-button eye.

That grimace
Of getting right through to the end and beyond it—
That helm
So marvellously engineered

Discarded, an empty stencil.
A negative, pale
In the dreggy swirlings
Of earth's already beginning mastication.

I freed it, I wanted to get it
Wedged properly mine
While the moment still held open.

As I lifted its child-heavy rubbery bulk,
Marbled crimson like an old woman's fire-baked thigh,

The shallows below lifted,
A broad bow-wave lifted and came frowning
Straight at me, setting the whole pool rocking,

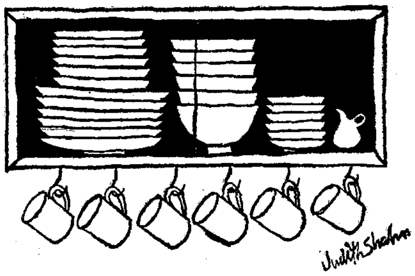
And slid under smoothness into the trench at my feet.

Into the grave of steel
Which it could still buckle.

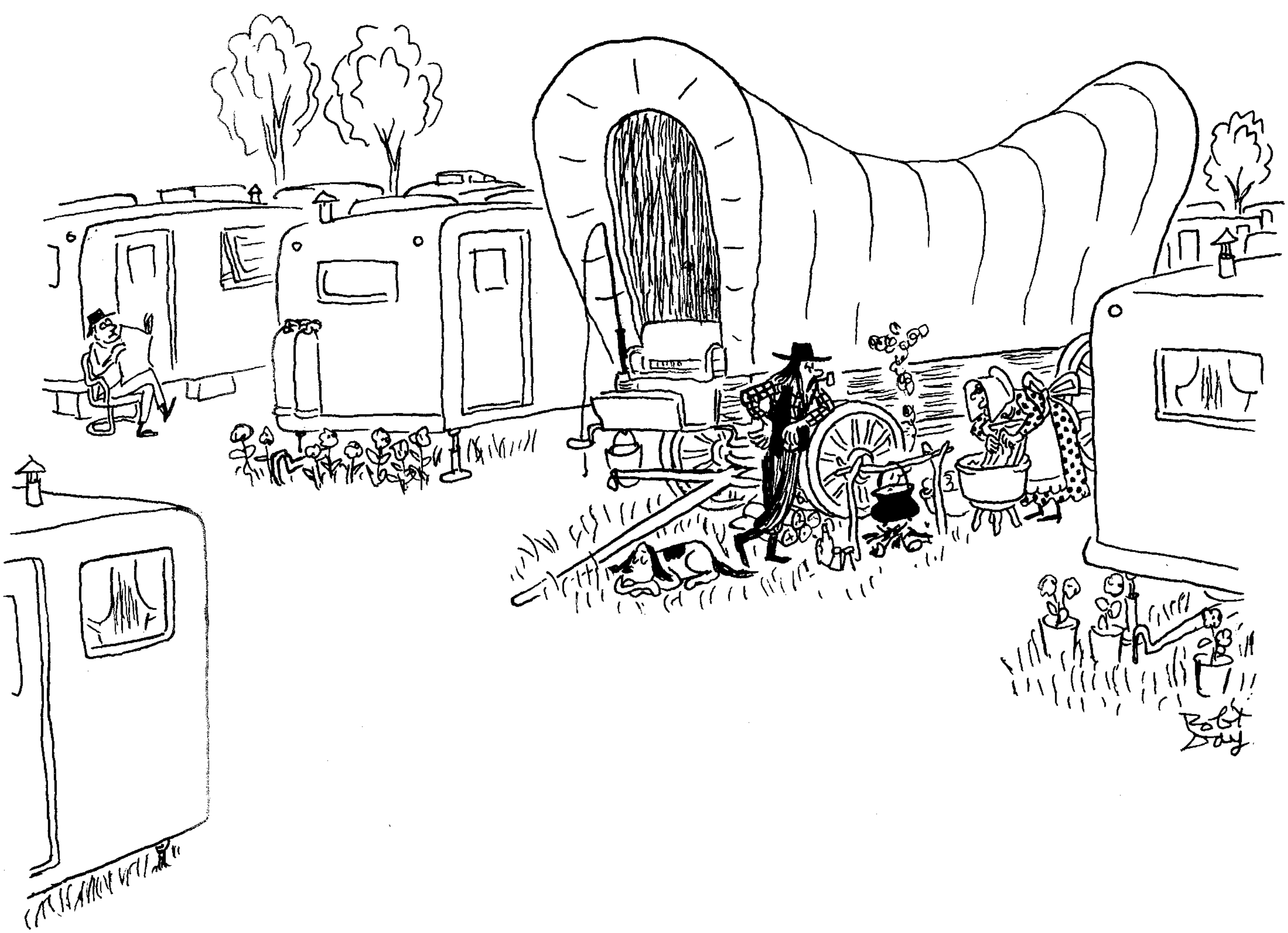
—Ted Hughes

• •

the Senate apparently felt that the states had already been too circumscribed by the body of the Constitution and refused to extend the Bill of Rights beyond the authority of the federal government. In the end, the First Amendment stated, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." The states were left free to do much as they pleased. Congress seemed to have little interest in the matter altogether; the people had demanded a bill of rights, they had been given one, and the affair was settled. "The Congressional debate on the amendment," Levy wrote, "was unclear and apathetic; ambiguity, brevity, and imprecision in thought and expression characterize the comments of the few members who spoke. It is doubtful that the House understood the debate, cared deeply about its outcome, or shared a common understanding of the finished amendment." And the public appeared to understand even less about what had been done in its name. "In the glorious act of reverting from a state of nature to a civil government by framing a social compact, Americans tended simply to draw up a glittering catalogue of 'rights' that satisfied their urge for expression of first principles," Levy noted. "It was a terribly important and serious task, but it was executed in an incredibly haphazard fashion that verged on ineptness."



A few years later, a majority of the members of Congress demonstrated their disregard for free speech and a free press by approving the Sedition Act of 1798, which made it a criminal offense, punishable by up to two thousand dollars in fines and up to two years in prison, for anyone to utter or print "any false, scandalous and malicious" statements against the government or any of its officials in a manner that might defame them or lead to public contempt, hatred, or a bad reputation for public institutions or public officials. Of course, the act was an attempt by the Federalists, who controlled all three branches of the government, to destroy their Republican opponents, and to silence those who defended the excesses committed in the French Revolution. And, of course, the misuse of the law



helped bring about the downfall of the Adams Administration and the election of Jefferson to the Presidency. In Levy's view, another result of the Sedition Act was that it produced America's first serious debate on the issue of free speech. It was not until that stage that the progressive forces led by Jefferson actually repudiated the doctrine of seditious libel at last and held that citizens were free to criticize and condemn the national government and its managers without hindrance. But this libertarian attitude was wholly theoretical. It was not proposed in the form of legislation by any member of Congress during that period, it had no power under law, and it left the states free to punish anyone for attacks on the federal government. (In practice, it emerged years later, Jefferson had belied his glorious defense of free speech and a free press by covertly urging this last course—that opponents of *his* Administration be silenced by prosecutions under state sedition laws.) In any event, when the Sedition Act expired, in 1801, Congress did not renew it, and the issue of its Constitutionality did not reach the Supreme Court while the law was on the books. Between 1798 and 1801, however, several of the Court's Federalist justices individually upheld the act while sitting on circuit cases. Subsequently, the Court was asked to rule on the question of whether the act had been Constitutional—to see if it constituted a precedent—but the Court refused to face the issue until 1964, when it finally stated, "Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history."

Unfortunately, Dean Levy ended his study of the myth of free speech with the Jefferson Administration, and neither he nor other legal scholars have dealt adequately with an even more persistent, and pernicious, myth—that the Supreme Court has always been the "bulwark," the "bastion," the "palladium" of personal freedom in the United States. If that freedom means the right of the individual not to be arbitrarily and unnecessarily interfered with by government, then the Supreme Court has done very little to guard our freedom. When the Court has been most needed by the individual—at times of national hysteria that have produced repressive legislation and tyrannical acts by state and national governments—it has remained silent or has judicially endorsed the most undemocratic measures and practices. During the first century and a half of the nation's existence, the Court, like all other public institutions on every level in the United States, devoted most of its attention to establishing and preserving the sanctity of private property. The business of the nation was business, and the Court nearly always upheld the interests of the business power over the interests of the individual. The spirit of the Declaration of Independence, the Constitution, and the Bill of Rights was defied by the Court's reading of the letter of the law. With passage of the Fourteenth Amendment, in 1868, some libertarians began to argue that its clause forbidding any state to "deprive any person of life, liberty, or property without due process of law" meant that the entire Bill of Rights was binding on the states. In other words, they contended, personal rights were no less important than property rights. For over half a century, a large majority of the Court refused to listen to such claims, even when they were made by one of its own members, Justice Louis Brandeis, who charged his fellow-justices with holding that "the liberty guaranteed by the Fourteenth Amendment includes only liberty to acquire and to enjoy property." That charge, which Brandeis made frequently in his dissenting opinions during

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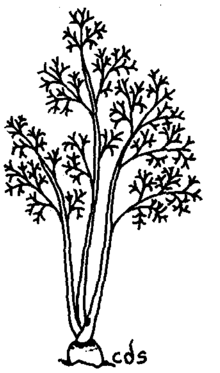
the nineteen-twenties, was demonstrably true. While the Court did not interfere with attempts by the federal government and state governments to rigidly control speech, it denied the power of the federal government and state governments to impose any controls whatever upon freedom of contract—such as the freedom of children to contract to work in coal mines, sweatshops, and mills for twelve to sixteen hours a day. In fact, it wasn't until 1941 that the Court upheld the right of government to impose limits on the use of child labor.

The Supreme Court did not directly address the issue of free speech under the First Amendment until 1919. During the First World War, Congress passed the Espionage Act and a new Sedition Act. In fiscal year 1919-20, the federal government indicted nearly two thousand people under these laws, and eight hundred and seventy-seven people were convicted under them. Not more than a handful of these people had posed any threat whatever to the security of the nation. At roughly the same time, many states enacted sedition laws of their own—often aimed at radicals who tried to organize labor unions and lead strikes—and no one knows how many thousands of people were prosecuted and imprisoned for violating those laws. Only a few cases prosecuted under federal and state sedition laws reached the Supreme Court. The first of them was Schenck v. United States, which was decided in the spring of 1919, four months after the war ended. Charles Schenck, the secretary of the Socialist Party, was convicted in federal court of mailing some broadsides charging that the draft was despotic and un-Constitutional and urging men of draft age: "assert your opposition to the draft." The only precedents the Court had before it were the English common law of seditious libel and a few state cases. Confronted by the first opportunity in the history of the Republic to uphold the individual's right to speak freely against the government, the Supreme Court unanimously upheld government's right to suppress such speech.



The Court's opinion was delivered by Justice Oliver Wendell Holmes, who barely nodded toward the First Amendment before going on to lay down his famous rule: "The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." Holmes's clear-and-present-danger test—extensively used by the Supreme Court and thus lesser courts for a generation to measure the legal propriety or impropriety of speech—demonstrates the clear and present danger that the Court has often posed to individual freedom. On practically every ground, the test is obnoxious. As Professor Thomas I. Emerson, of the Yale Law School, who is the leading authority on the First Amendment, has pointed out, the test is "excessively vague;" it "furnishes little clarity in advance of a judicial decision;" its serious application would plunge judges "into consideration of a mass of historical, political, economic, psychological and social facts" which would require "both evaluation and prophecy of a sort no court is competent to give;" and, most important of all, it allows "the state to cut off expression as soon as it comes close to being effective."

By far the worst effect of the clear-and-present-danger test is that from the start it made speech more punishable than action. Under ordinary criminal law, the state has to prove that a person meant to commit a criminal act and then committed it—that is, both the intent *and* the act must be demonstrated. In the case of a prosecution for criminal speech, on the other hand, proof of either criminal intent *or* act is usually sufficient for a conviction. This flaw can also be traced back to Holmes. In expounding on the clear-and-present-danger test a few months after he first stated it, he said, "I do not doubt for a moment that by the same reasoning that would justify punishing persuasion to murder, the United States constitutionally may punish speech that produces or is intended to produce a clear and imminent danger that it will bring about forthwith certain substantive evils that the United States constitutionally may seek to prevent." Holmes's use of "or" rather than "and" may have been inadvertent, but that seems unlikely in view of the fact that Brandeis, his closest associate on the Court, subsequently used exactly the same terminology, including the "or," in his exposition on the test. The effect of this usage over the years has been to make the law covering criminal speech closely akin to the law covering criminal conspiracy, which is very different from ordinary criminal law. Under the law of conspiracy, for instance, the state has to prove only

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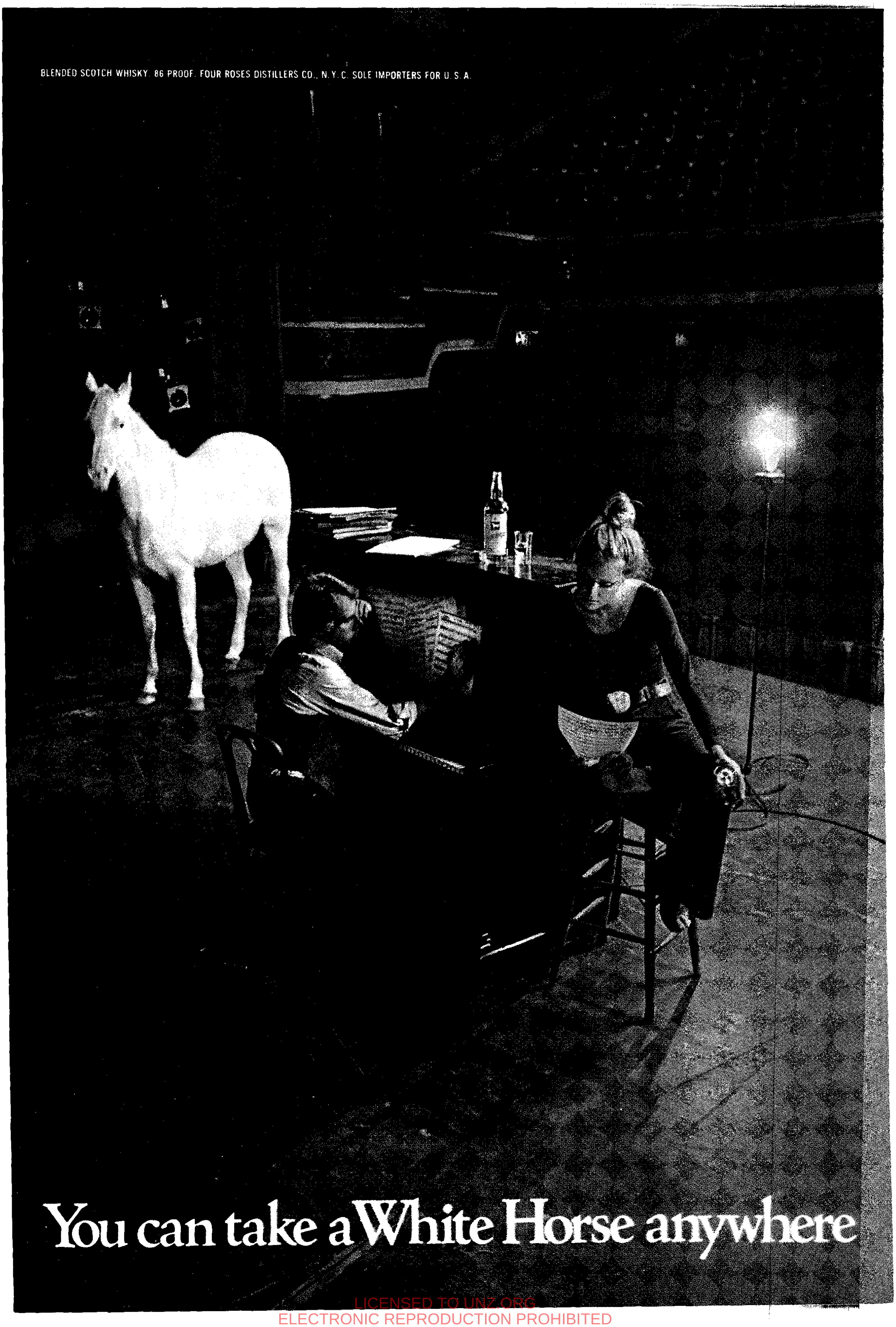
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that a person agreed to commit a crime with one or more others. No crime need actually be committed, for, under most statutes, the only factor besides intent that the prosecution needs for a conviction is *any* overt act that might conceivably be connected to the prospective crime. If three men talk about how they would like to hold up a certain bank and later one of them walks past the bank they talked about, all three are guilty of criminal conspiracy and can be sent to prison for long terms; moreover, an act of any of the three is considered, legally, to be the act of all three. The law of conspiracy also allows prosecutors wide latitude procedurally and requires far less in the way of protection for defendants. In sum, a person who is charged with committing a criminal act is innocent until proved guilty, whereas a person who is charged with conspiring to commit a criminal act is innocent until proved partly guilty. By unintentionally linking the law of speech to the law of conspiracy, Holmes made words easier to punish than, say, murder.

There are no figures available for the number of people who were sent to prison, or kept in prison, because of the clear-and-present-danger test. One of those who went to prison because of the test was an obscure immigrant by the name of Jacob Abrams. Angered by the Allied invasion of Russia in 1918—an attempt to stop the Revolution there and bring Russia back into the war against Germany—Abrams slapped together some semiliterate leaflets calling for a general strike to protest the invasion and persuaded a confederate to fling them out of a window of a loft building in lower Manhattan. The Abrams case reached the Supreme Court a few months after the Schenck case, and Abrams' conviction—including a sentence of twenty years in prison—was upheld by a vote of seven to two, on the ground that his leaflets constituted a clear and present danger to the United States. Holmes, with Brandeis concurring, wrote a bitter dissent that upheld the clear-and-present-danger test but attacked this wanton application of it, since "nobody can suppose that the surreptitious publishing of a silly leaflet by an unknown man, without more, would present any immediate danger."

In the course of that dissent, Justice Holmes expounded another notion that was to become almost as misused, and ultimately pernicious, as the clear-and-present-danger test. This was the concept that democracy would survive and flourish most successfully if it had a "marketplace of ideas" in which robust discussions of public issues were constantly going on. The doctrine had an ancient lineage that stretched back through John Stuart Mill and John Locke to Socrates, but it had not been directly applied before as a legal principle. In time, Holmes said, open discussion would teach men "that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out."

The marketplace-of-ideas doctrine has been a favorite recourse of members of the Supreme Court and of lesser courts ever since Holmes enunciated it, and they have paid endless tribute to it. But though the doctrine has an appealing ring to it, like so much of what Holmes wrote, it is little more than high-minded rhetoric. No one believes in it, and no one lives by it. If the marketplace-of-ideas theory were to be put into practice in even the most superficial manner, it would mean, to begin with, that all our public schools would offer their students courses in such subjects as Socialism, Communism, Fascism, agnosticism, atheism, free love, peaceful overthrow of government, and the evils of war. And it would provide those who entertain unpopular views with a fair chance to express themselves publicly through television, radio, newspapers, and magazines. While the marketplace-of-ideas notion is, in itself, a healthy and constructive ideal, in practice it is largely a myth—and, again, it assures the people that they have what they lack and lulls them into a dangerous complacency. Perhaps more perniciously, the concept has been distorted by being judicially viewed in a utilitarian fashion—that is, as justifying courts in measuring the social worth of ideas. Under this approach, ideas that contribute to the vitality of society (arguments for and against racial equality, say) are acceptable and protected by the First Amendment but ideas that concern only the individual (such as pornography that is "without redeeming social value") are unacceptable and unprotected. In the end, then, the marketplace-of-ideas standard places the interests of society far above the rights of the individual.

In the early nineteen-twenties, Benjamin Gitlow, a Communist leader, was sentenced to from five to ten years in prison for violating a New York State law against "criminal anarchy." His offense was printing and distributing a pamphlet entitled "The Left

Wm Hamilton

*"See, darling, shorter and combed back you look more articulate."*

Wing Manifesto," which called for a general strike and the ultimate replacement of the existing government. In 1925, the Supreme Court upheld the right of the state to enforce its "criminal anarchy" statute against Gitlow on several grounds. First, the Court stated, the language in the manifesto amounted to "direct incitement." This conclusion was based on two sentences from the pamphlet, which the Court quoted: "The proletariat revolution and the Communist reconstruction of society—the struggle for these—is now indispensable. . . . The Communist International calls the proletariat of the world to the final struggle!" Second, the Court temporarily put aside the clear-and-present-danger test in favor of an older judicial measure known as the bad-tendency test, which had its roots deep in ancient common law and the rule of seditious libel. The Court explained, "That a state in the exercise of its police power may punish those who abuse this freedom [of speech and the press] by utterances inimical to the public welfare, tending to corrupt public morals, incite to crime, or disturb the public peace, is not open to question." The Court of Star Chamber could not have done better. Under this dictum, the state could punish its citizens for any criticism or dissent—in fact, for any expression that government found antagonistic to its own concept of its interests—and in effect the law of seditious libel was still on the books. To further justify its position, the Court cited the old judicial tradition that "every presumption is to be indulged in favor of the validity of the statute," and it could be declared un-Constitutional only if it was found to be "arbitrary or unreasonable." This tradition, which is still very much alive, is both absurd and cowardly. It allows the judiciary to make the legislature superior to the courts and the executive, and thereby fatally weakens the delicate tripartite balance that is supposed to support our system of government. It allows the courts to sidestep fundamental issues that deeply affect the daily lives of the people. And it encourages irresponsibility in legislatures, which are always the first institutions to respond to popular hysteria by enacting repressive laws—often under the lawmakers' mistaken impression that the courts will correct their demagoguery. Judicial deference to legislatures is defended on the ground that since representative bodies are democratically elected, courts should not interfere unnecessarily with them. This rationale misses a major point: the purpose of the courts is to provide a check, intentionally undemocratic, on legislative tyranny. As Hamilton wrote in "The Federalist," the courts were designed to erect an "excellent barrier to the encroachments and oppressions of the representative body." In any event, the Court, in the Gitlow decision, tossed off the remark, more or less in passing and without explanation, that freedom of speech and the press were now "fundamental personal rights" and could not be abridged by the states. In other words, part of the Bill of Rights had finally been made a basic right of *all* citizens. But the Court's dictum on this point was rendered utterly meaningless in the case at hand, because the Gitlow decision upheld a state's flagrant denial of the very right that was supposedly being guaranteed.

Despite the Court's initially timid and confused attempts to deal with the issue of freedom of speech, in the past half century it has gradually adopted a more generous attitude; even so, it has never laid down any sensible guidelines in this area, and the theories it has used have been exceedingly narrow and often open to repressive use. It was not until the nineteen-thirties that a majority of the Court—under the stewardship of Chief Justice Charles Evans Hughes—finally questioned the dominance of property rights over personal rights. The most important First Amendment case in that period was De Jonge v. Oregon, decided in 1937. In that case, the Court unanimously upheld the right of free speech and assembly not just in theory but in practice more effectively than ever before. Dirk De Jonge, a member of the Communist Party, had been sentenced to prison for presiding over an open meeting held under the auspices of the Communist Party at which charges were made about police brutality during a longshoremen's strike. The Court's reversal of his conviction was the first sign of an emerging awareness among its members that free speech could create not only discord but also the means for allowing social change with some stability. Speaking for the Court, Chief

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Justice Hughes said, "The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

The Hughes influence generally prevailed on the Court until the end of the Second World War. In earlier American wars, freedom of speech had been one of the first casualties. During the Revolution, the states viciously suppressed the slightest criticism of that cause; during the Civil War, military government was allowed, in areas under Union domination, to stamp out dissent and imprison dissenters by the hundreds; and, of course, during the First World War the Espionage and Sedition Acts were widely used to silence radicals. Almost none of this kind of repression went on during the Second World War—partly because by then the First Amendment guarantees of free speech and a free press had been made more and more binding upon the states by the federal courts under expansion of the Gitlow dictum, and this change hindered states from harassing radicals or other unpopular critics through use of state laws. Perhaps more important, though, was the fact that the movement toward forcible repression of unpopular speech has always been aimed at the far left, and during the war that side could not be openly attacked as long as its most extreme embodiment—the Soviet Union—was America's ally. Of course, with the end of the war, the opening of the Cold War, and the advent of McCarthyism, the libertarian trend on the Court, as elsewhere in the country, abruptly ended. Once more, the Supreme Court buckled under the pressure of the popular hysteria that swept the nation, and upheld most of the repressive laws enacted to curb free speech and free association.

In the earliest of the anti-Communist cases to reach the Supreme Court—American Communications Association v. Douds, decided in 1950—the issue was Congress's attempt to force Communists out of the labor-union movement. The law involved was the Taft-Hartley Act, Section 9(h) of which provided that no union could enjoy the benefits of the National Labor Relations Act, including the right to organize workers or to bargain collectively, unless each officer filed an affidavit stating "that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in and is not a member of or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods." The oath was much the same as those in laws under which various British monarchs had their opponents hanged, disembowelled, castrated, drawn and quartered, and then beheaded. The Supreme Court upheld Section 9(h), and reached back to a 1939 free-speech case to justify its decision on the basis of what has come to be known as the balancing test. By means of this test, the Court weighed the interests of society in preserving order against the importance of protecting the rights guaranteed by the First Amendment—in short, by placing society on one pan of the scale and the individual on the other pan.

Professor Emerson, along with many other legal scholars, has criticized the balancing test on a variety of grounds: it allows courts to come down with equal facility and justification on either side of any issue; it does almost nothing to discourage those who want to suppress speech; it requires courts that use it seriously to examine *all* the facts and far too broad a range of issues in *every* case before them; it permits legislative tyranny, since courts are extremely reluctant to knock down laws if there is the slightest rational defense for them; it is an ad-hoc test that depends entirely on the courts for interpretation and leaves the person who exercises the "right" of free speech in jeopardy if he or she miscalculates the effects of that speech; and, finally, it renders the First Amendment largely meaningless by changing its absolute prohibition against laws abridging free speech into a relative prohibition against *unreasonable* laws abridging free speech. Nonetheless, the balancing test has been the Court's principal method of judging First Amendment cases for the past quarter of a century. That means, of course, that it has also been the chief measure used by lower federal and all state courts, as well as by public officials, the police, and the public at large. All of them, it might be added, have floundered about helplessly in the judi-

*This is the way the great day comes:*
*With flutter of flags and rumbling drums,*
*With a brave brass choir in the village square,*
*And a night alight from the rockets' glare.*

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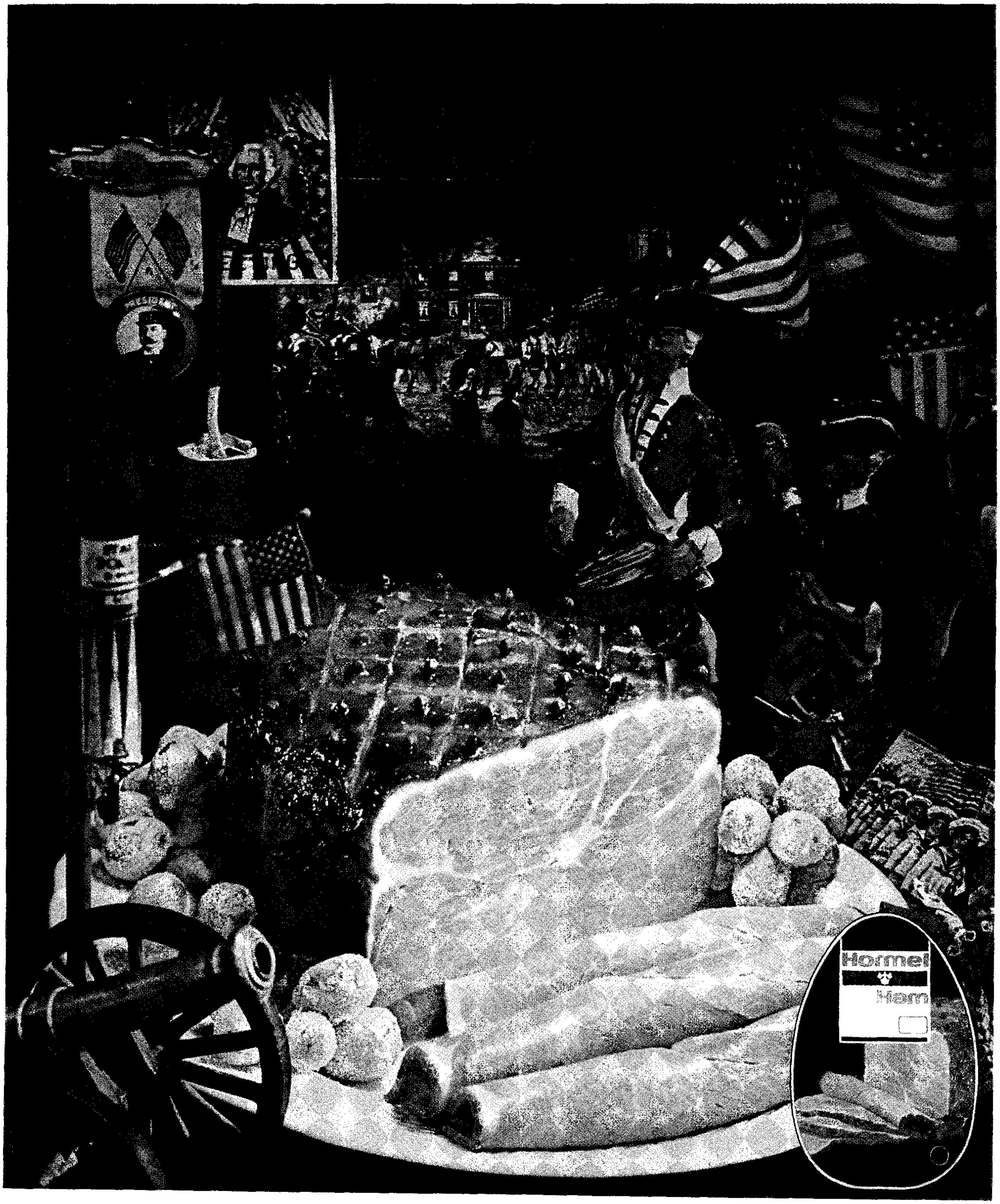

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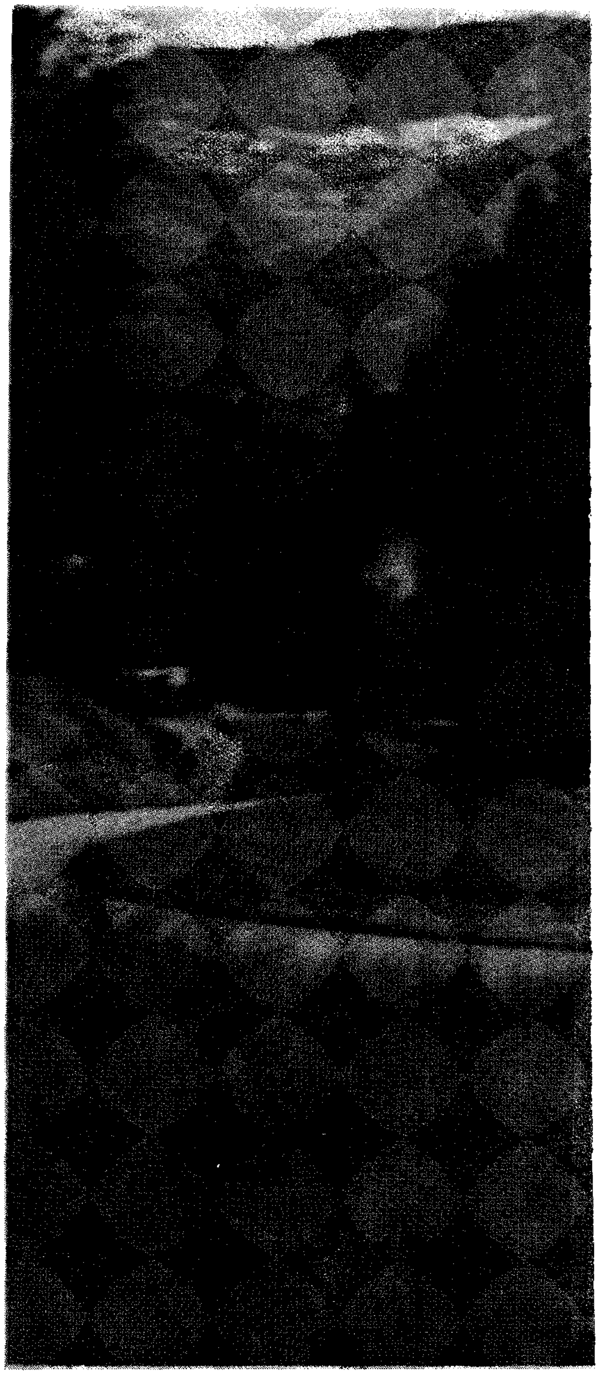

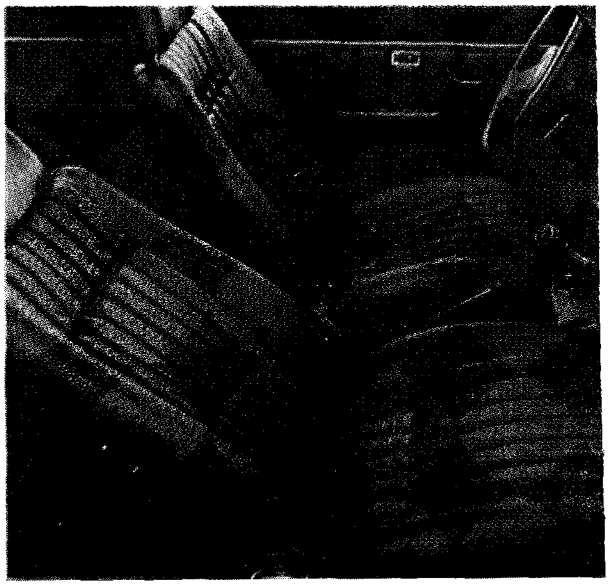

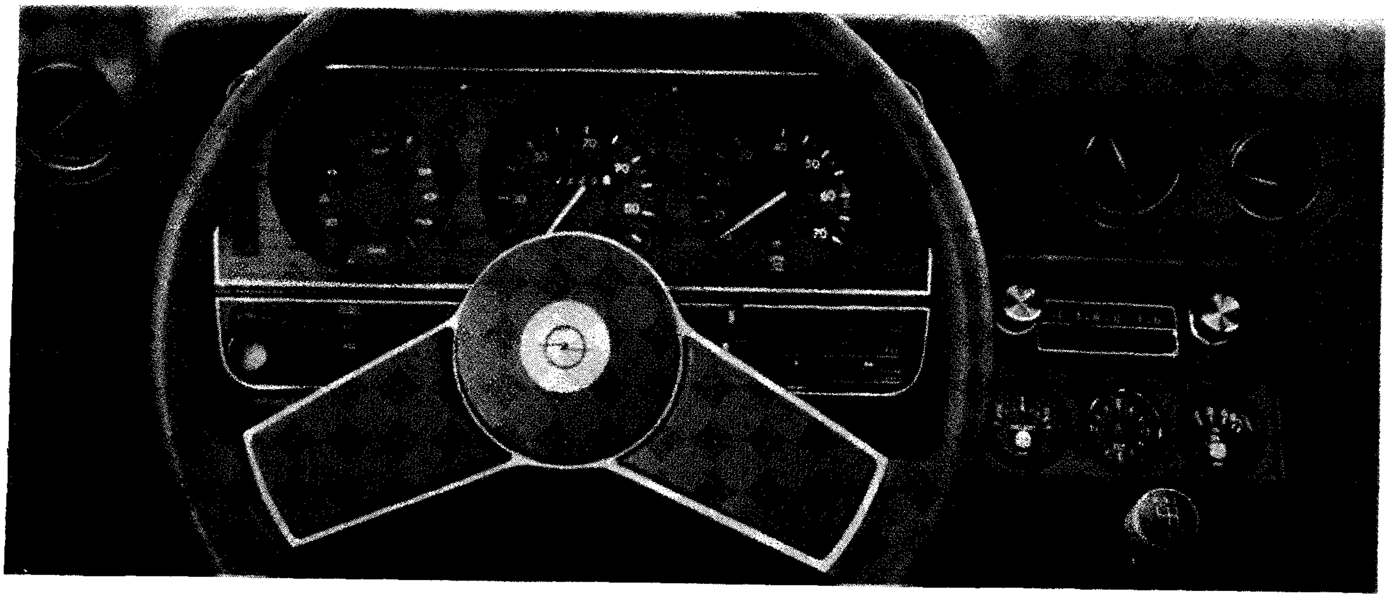

cial bog created by the Supreme Court.

Still, the Court has some achievements to its credit in defending free speech. Although the Court upheld applications of the Taft-Hartley, the Smith, and the McCarran Acts in the early nineteen-fifties—and thereby, in effect, upheld the sedition-law rulings handed down in the twenties—it later nullified its decisions in most of these cases on technical, procedural, and administrative grounds. Unfortunately for the victims of these laws, the judicial nullification of them took a good many years, during which a lot of people were financially and socially ruined, and sometimes unjustly imprisoned for long periods. And since the Court has, typically, refused to face the issues in almost all those cases directly by deciding them on forthright First Amendment grounds, they still stand as precedents for suppression of free speech in the future. In any event, the Court has at least given broad protection to matters of belief; it has curbed the casual demagoguery of legislative investigating committees; it has knocked down most state loyalty oaths; it has upheld the right of peaceful assembly and demonstrations or protests, which made the immense civil-rights and anti-war movements of the nineteen-sixties possible (and probably kept them from turning to outright violence); it has greatly improved the libel and privacy laws; and it has begun to widen the rights of expression by government employees on every level. "These are no small accomplishments," Professor Emerson has written. "Taken as a whole, they definitely outweigh the failures."

On the most crucial ground—preserving the essential bases of individuality—that conclusion is surely wrong.

The Declaration of Independence, the Constitution, and the Bill of Rights had a single purpose: to create a society in which men could live securely with minimal interference by government. At all times and in all places, government has attempted to increase its power, and each increase in that power diminishes the power of its citizens. To resist this encroachment and preserve their sovereign power in a democracy, they must be free to criticize, to admonish, to question, to berate, to attack, to harass, and to threaten their servant the government. Without the fullest freedom of speech, they cannot do any of these things openly and thus effectively. Moreover, the right to speak freely is the basis of all other democratic rights, for it makes possible and nourishes the opportunity to think. As every tyrant has always known, to

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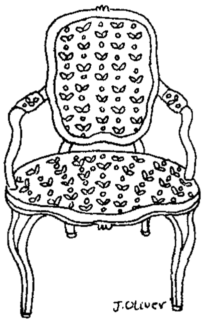
silence speech is to stop thought. And, as Justice Benjamin Cardozo said about freedom of thought and speech, "it is the matrix, the indispensable condition, of nearly every other form of freedom." Only with thinking do men become individuals, and it is that individuality—the right of each man to be, and to fulfill, himself—that the authors of the Constitution sought ultimately to preserve and encourage. From the time of John Locke, men who hoped to rid themselves of despotic government spoke longingly about the preservation of "life, liberty, and property" as the only legitimate concern of government. By the time Jefferson wrote the Declaration of Independence, the phrase had been changed in many political discourses and increasingly in popular usage to "life, liberty, and the pursuit of happiness." The alteration, which Jefferson incorporated in the Declaration, was a remarkable one. In no other country but America and in no other century but the eighteenth could happiness have been made a revolutionary goal. And yet the term was precisely right, for it was an intense expression of individualism—the epitome of the place and the time. Nothing is more individualistic than happiness, or the pursuit of it, and every human endeavor, from the accumulation of money to mystical contemplation, can be a personal means to that general end.

In effect, the Constitution changed the meaning back to life, liberty, and property, and ever since that document was adopted the Supreme Court has put *its* emphasis on property rather than individuality. To be sure, it was probably inevitable, and desirable, given the frenzied expansion of industry and commerce, that the Court should have interpreted the law in a way that would not deprive most Americans of what made them most happy—the rapid acquisition of property. And throughout the period in which this philosophy dominated society—until the Depression of the nineteen-thirties—the nation's population was of a modest size, society was endlessly pluralistic, and America was divided into social enclaves of belief and ways of living in a manner that allowed a person who could not tolerate the conformity demanded in one place to move to another that seemed more congenial, or even to move on to the frontier and live entirely in a way he saw fit. Of course, that world vanished long ago. The frontier and the possibility of setting up a community that can survive the animosity of the surrounding world are gone. (The Supreme Court finally destroyed this possibility a few months ago by ruling that local communities can forbid anything remotely resembling a "commune.") An increasingly monolithic and intolerant society has replaced the old fragmented one. Congress is blind to the people's needs. The Presidency contains the power to bring about a personal form of despotism. The potential for manipulating the populace through communications and the easily created sense of an urgent need for unity is immense. And the possibility of there being a true tyranny of the majority on a national scale has become ominously real for the first time in the nation's history. In sum, "mass society" in the United States has created all the elements necessary to make the individual extinct. Indeed, America, which professed to believe that it had finally solved the ancient problem of society versus the individual, has only made the problem worse. While the individual is more rhetorically honored than ever before, he is officially—most of all, judicially—ignored, scorned, and mistreated in a way that can happen solely when the well-being of the state, and not of its citizens, becomes the purpose of society.



By any measure, the Supreme Court is the most conservative branch of the government, and in many broad and narrow ways it is the most conservative public institution in the United States. That, too, was probably inevitable, because any President who was naming a new justice to the Court and any Senate that had to confirm or reject a nomination would be likely to look for one trait in the man who was being handed so much power for a lifetime—caution. All Presidents have succeeded in this search far beyond their hopes, and the Court, in general, has been so cautious that it has usually done no more than endorse the prevailing national mood as exemplified in acts of the legislature and executive bodies it is supposed to oversee. Only one Supreme Court—the Warren Court—can be said to have got out in front of the dominant public sentiment of the time, and even then the advances it made amounted to no more than the simple act of giving the people some of the rights that the nation had falsely assured them they had possessed all along. It was also probably inevitable that the deeply cautious men who were given

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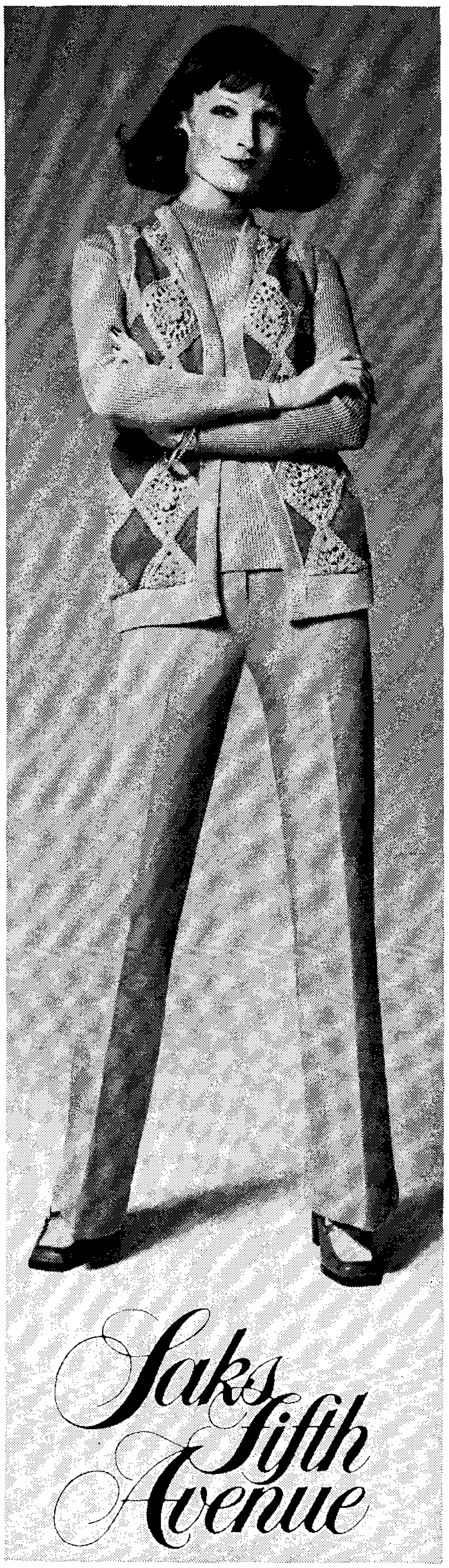

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this great power would favor the side that had so grandly bestowed its highest honor on them—the state. That most men who have served on the Court have been strongly predisposed toward the state rather than toward the individual is proved by the record of the Court. That record, to this day, is a judicial monument to statism.

All of the rules and tests used by the Supreme Court to measure the extent, or limits, of our basic freedom—the right to think and to speak as free men—have been essentially statist. The bad-tendency test, the clear-and-present-danger test, the incitement test, and the balancing test all weigh in on the side of the state, for the interests of the state can always be made to *seem* paramount to the interests of the unpopular or powerless individual. And if there is ever any doubt about which interest is weightier, the Court's traditional deference to legislative enactments on all levels resolves the question in favor of the state unless the laws in question are patently absurd. Even the most democratically inspired statements of the Court—the marketplace-of-ideas concept, for instance, or Chief Justice Hughes' fine affirmation of the right of free speech and assembly among the most despised members of society in the De Jonge case—are basically statist. The contribution of free speech in the marketplace of ideas essentially affects the individual only incidentally. The goal of that marketplace is to improve and protect society, not to provide the means of individual self-fulfillment. And the Hughes defense of free speech in De Jonge as an instrument for bringing about social change peacefully and with stability preserved—a theory that seems to lie behind the attitude toward dissent on the part of the most enlightened people in power today—has everything to do with society and very little to do with the individual. (One of the least important but most illustrative examples of the Court's egregious bias toward the state is its presumption that it has the right to determine what kind of writing or movies citizens may read or watch, or, as it recently ruled, that local legislators, judges, and juries have this right. What conceivable business is it of such people to tell any adult that whatever *they* consider to be pornographic or obscene lies beyond the reach of liberty?)

Above all, though, the crushing liability that the state automatically imposes upon any individual who asserts individual rights—the loss of time, energy, money, peace of mind, privacy, and, in the end, one's essential individuality—overwhelmingly demonstrates the lack of concern for the individual that is inherent in our judicial system, from top to bottom. That system has clearly placed the presumption of right on the side of the state—and continues to betray the democratic ideal of protecting the individual against government.

It is astonishing to discover how little awareness of this fundamental problem there has always been on the Supreme Court. The closest it has ever come to recognizing the true nature and role of individual rights in our society was back in 1927, in an opinion delivered by Justice Brandeis, who concurred with the Court's decision upholding a California sedition law but dissented from the majority's restrictions on freedom of speech. He wrote, in part:

> Those who won our independence believed that the final end of the state was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed.... Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty.

By restating the fundamental point—that society exists for the good of the individual—this declaration went a long way toward elevating the individual's position within society. At the same time, though, Brandeis barely hinted at what society's responsibility toward the individual was or should be. Since that time, this problem—the crux

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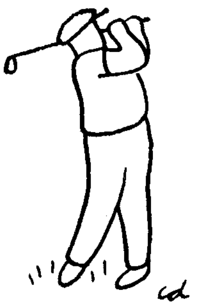
of democracy, it might be called—has almost never been considered seriously, let alone resolved. If, as Brandeis said, the Framers "believed that the final end of the state was to make men free to develop their faculties," and if we share this purpose today, then a further question must be addressed: What aspects of individuality does the state endanger most in its essential relations with its citizens? The answer may be found in the relationships created by differences in power. The difference in degree of power between the citizen and the state is so immense that it may finally be a difference in kind, and perhaps it can only be understood by analogy—that is, by reducing it to a more commonplace size. The relationships between child and parent, between student and teacher, between employee and employer are more measurable relations of power, and yet are very similar to the relationship between the individual and government. Whether the more powerful party in any of these personal associations is benevolent or despotic, the possibility of intrusion on the rights of the child, the student, or the employee is always—in kind, if not in degree—the same. The danger to individuality in all such associations, personal and impersonal, is threefold: the ever-present threat to one's sense of dignity, to one's feeling of being free, and to one's need for privacy. It is these three essential characteristics of individuality which permit and encourage one to strive for self-fulfillment—or, in Brandeis's words, to "develop" one's "faculties."

Government on all levels in the United States has almost always ignored these three basic roots of individuality. At best it has failed to nourish them and at worst it has poisoned them. To a large extent, the courts—most of all, the Supreme Court—are to blame, and if the individual is finally swallowed up by mass society, as seems so likely at the present time, it will be the Supreme Court that will have most to answer for before history's bar of justice. Except for the Hughes Court and the Warren Court, that institution has turned its majestic back on the individual. Under Chief Justice Earl Warren, the Court defended and asserted individual rights as never before. In fact, its most effective, and thus most controversial, decisions were aimed at protecting some of the most vital and ordinary rights of the individual—the right of every black child to a decent and nonracist education; the right of every citizen, wherever he lives or whatever his status, to a vote of equal weight; the right of every suspect and defendant, rich or poor, to equal protection of the laws in any criminal prosecution. Above all, some crucial decisions of the Warren Court finally made almost all of the Bill of Rights binding on the states, and thereby gave every citizen the rights due him. Unfortunately, though, the Warren Court did not address itself with the same concern and boldness to the First Amendment cases that came before it. That problem was left to the future.



Overnight, the Supreme Court was transformed by President Nixon from an institution that had begun to face the plight of the individual back into an institution that would uphold the power of the state. Just at the time that the individual was most imperilled, he lost his greatest defender. There seems no chance that the Court, now or in the immediate future, will come back to the rescue of the individual in time to save him from the immense power of the technological, economic, and social juggernaut that threatens to crush him. In the decisions so far handed down by the Burger Court on First Amendment issues—chiefly those concerning the press, obscenity, and loyalty oaths—its members have demonstrated a strong predisposition toward the state. (The most outstanding exception to this tendency was a decision that did not involve the First Amendment—the ruling on abortion, which is as immediately and intensely personal as anything can be.) At present, there seems no chance that President Nixon's four appointees to the Court, all of whom appear to be confirmed statists, will alter their views substantially. Three of the holdovers from the Warren Court—Justices William O. Douglas, Thurgood Marshall, and William J. Brennan, Jr.—usually come down on the side of the individual, and, with gradually increasing frequency, so does Justice Potter Stewart. That leaves a four-to-four standoff, with the remaining, or "swing," vote being cast by Justice Byron R. White, who was President Kennedy's appointee to the Court. Throughout his judicial career, White has embodied the pro-state bias that has characterized that tribunal during most of its existence, and he has joined the Nixon appointees to give them a firm majority in most cases. Of the justices on the majority side, White best reflects the general attitude of today's Court toward its role

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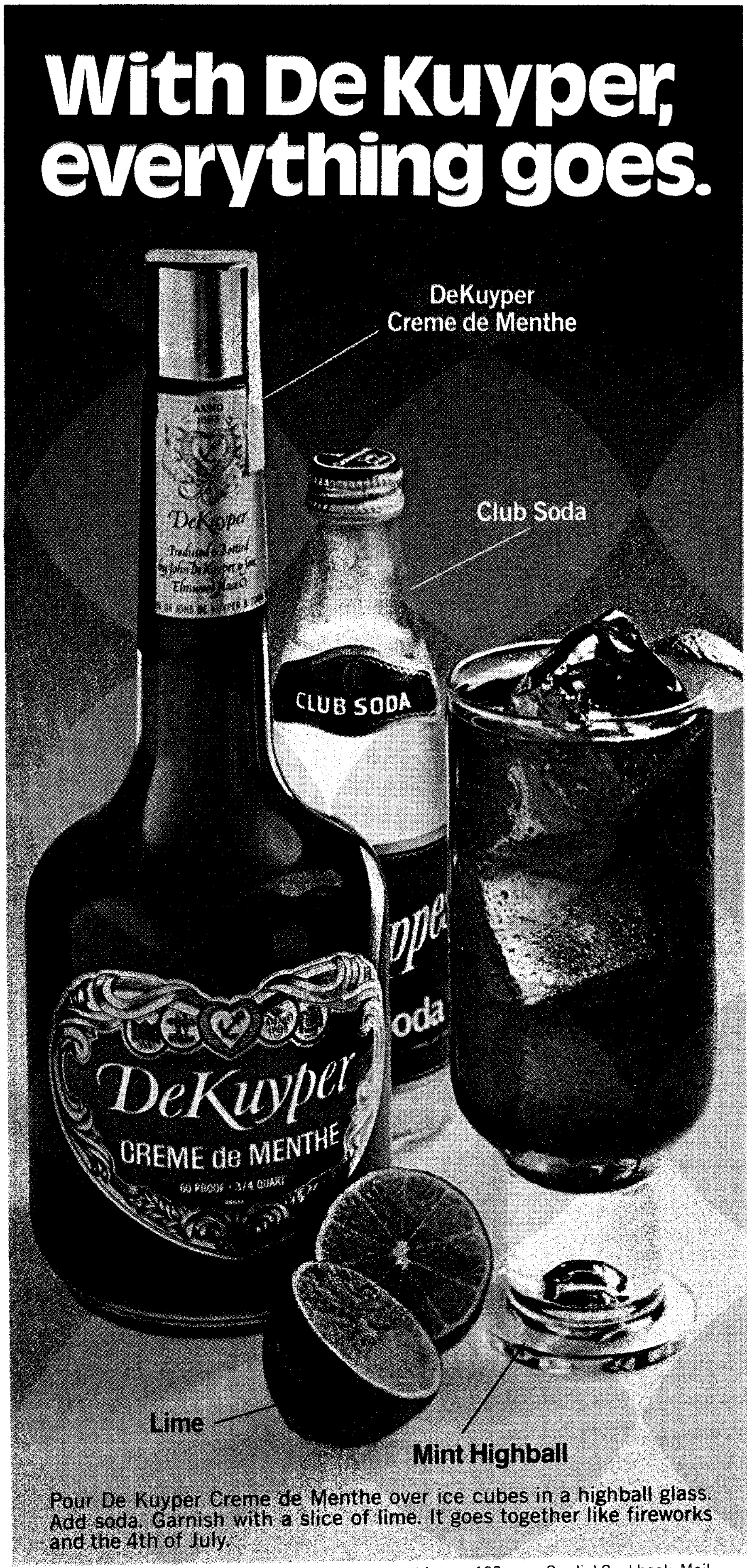
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in society—to defend a state that is essentially benevolent. That view misses the point, of course, for even if a state is benevolent its interests are *always* opposed to those of the individual.

"PEOPLE in civil-liberties cases are the battering rams of freedom," Burt Neuborne, a young lawyer who represented Charles James through most of his court fight, said recently. "Unfortunately, what happens to them is what happens to battering rams." In the James case, the state has taken more than four and a half years trying to resolve the issue of whether he had the right, as a citizen and a teacher, to wear a black armband to school to express his moral and religious opposition to killing in Vietnam. There can be little doubt that James's act and his efforts to justify it by taking the case to court made him stand out as a person who meant to have justice at any cost—or, in many people's minds, as a radical and a troublemaker. In turn, this made it next to impossible, in the conservative area that he lived and worked in, near Elmira, to get a decent enough job to support his family. The deprivations and humiliations that James and his wife and four daughters suffered during these years embittered them and made each, in a different way, deeply contemptuous of society's idealistic claims for itself. The two eldest James girls left school early and got married very young—one at the age of eighteen and one at the age of sixteen. The next-to-youngest daughter refused, at the age of eleven, to go on pledging allegiance to the flag in school assembly because of what her country had done to her father.

Although the mother, Neva James—a handsome, dark-haired woman with an equable, pleasantly direct manner—believed that her husband had been right to wear the armband, she regretted its effect on her family so deeply that she came to resent what he had done and to hope that he would never do anything like it again. "Whenever I read in the papers about a Supreme Court decision upholding someone's rights, I always think about the family, and wonder what happened to them and how many years of their lives were messed up," she said not long ago. In effect, the experience made her both more radical in her view of society and more reluctant to stand up to it.

To James, his wife's reaction was perhaps the worst effect of the case. "Neva has come to feel that if one believes in freedom and exercises it once, that jeopardizes one's ever exercising it again," he said after the legal fight over the armband had been going on for a couple of years. "If that has happened to someone like Neva, who is a person of deep good will and strength, God knows what's happening to other Americans." As for James's own reaction to his case, he explained, "Like most people, I was brought up to believe in our system. The freedom I was taught and believed in—all that stuff we were told about Jefferson and Lincoln—were things that I thought the leaders of our country still cared about and believed in, too. Then I finally saw that they want the system to be believed in but not used. I used it, and look what happened!"

Originally, James felt that his case was essentially one of freedom of religion, since he had worn the armband as part of a local Quaker effort to oppose the war in Vietnam, and because he personally felt that the scrap of black cloth on his sleeve spoke wholly for his religious and moral convictions. But at the first stage of the case, an administrative hearing before the New York State Commissioner of Education, a volunteer civil-liberties lawyer who was temporarily handling the case based his plea for James's reinstatement in his job almost entirely on the issue of freedom of speech. When that legal approach failed, the suit was formally taken over by the American Civil Liberties Union, which assigned it to Neuborne, who prepared a complaint about James's Constitutional grievances for presentation before the federal District Court for the Western District of New York. In the complaint, Neuborne relied chiefly on freedom of religion for James's defense of his act, but after the District Court ruled against James on every count raised on his behalf, Neuborne went back to the original freedom-of-speech defense—largely in the mistaken belief that his client, who had failed to make his views on the matter clear, preferred this approach.

One of the chief arguments made in District Court on behalf of those who were responsible for James's dismissal was that the case was *res judicata*—that is, it had already been judged and could not be raised again. When the lawyer for the school board—a private practitioner from Corning by the name of Harry Treinin—raised this point in the arguments before the District Court, Neuborne could not believe that anyone could take it seriously, since the only judge of the issue so far had been the Commissioner of Education, who was not a judge. But in the District Court decision, handed down at the end of 1971, Judge Harold P. Burke accepted Treinin's contention as decisive. Accordingly, when Neuborne prepared an appeal, in the winter of 1972, to the United States Court of Appeals for the Second Circuit, he began by addressing this point. Judicial rulings of the Second Circuit, he observed, required litigants who wanted to appeal from a state action to the federal court system to first exhaust state administrative remedies. James had obeyed that rule and now was being punished for it, because if Treinin and Burke were correct in their claim that the issue was *res judicata*, then a person who exhausted state administrative remedies would be barred from appealing to any federal court, and a person who did not exhaust state administrative remedies would also be barred from appealing to any federal court. In short, the federal court system would be quite superfluous.

With that out of the way, Neuborne moved on to the central issue of James's armband and his right to freedom of speech. As a Constitutional lawyer, Neuborne was fully aware that the Supreme Court and all inferior courts increasingly relied on the balancing test in cases like the one at hand. Although he objected to the test on just about every ground—most of all on the ground that it was finally unfair and useless—tradition compelled him to rely on it, too, as his basic argument on James's behalf. Citing the recent case of Hanover v. Northrup, in which a seventh-and-eighth-grade woman teacher was dismissed for refusing to lead her class in reciting the Pledge of Allegiance because the current state of the nation made it impossible for her to say that it provided "liberty and justice for all," Neuborne went on to quote the District Court judge in that case, who ruled that her refusal was "a form of expression protected by the First Amendment," and that the school officials who fired her had failed to demonstrate that her act caused enough disruption of her class to justify *their* act. As Neuborne explained later in private, the word "disruption" was the key to the James case, because it was the measure used by courts in such matters to apply the balancing test—that is, if there was no substantial disruption, the interests of the state were not put out of balance by the act of the individual. In his brief, Neuborne contended that the Hanover and James cases were "indistinguishable," except

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that some of Mrs. Hanover's students had followed her example, whereas none of James's students had followed his. That, of course, made his act less disruptive than one that had already been judicially upheld. Moving on to another case—Pickering v. Board of Education, in which a public-school teacher was fired for writing a letter to a local newspaper attacking the school board's fiscal policies and its "totalitarianism"—Neuborne pointed out that the Supreme Court, in 1968, upheld Pickering's right to express himself in this manner, even though some of the statements in his letter were false, since he had *not* disrupted the school's operations. In fact, the Court said, publication of the letter had been "greeted . . . with massive apathy and total disbelief." Neuborne then observed that the Addison school board had informed James in writing that he was entirely free to express any views that he wanted to outside the school. That concession, Neuborne argued, made the Pickering and James cases nearly identical, for "James's armband contained no elements of coercion or intimidation, and in no way interfered with the orderly teaching of his 11th-grade English class, [so] the effect of his armband was no different than if he had written a letter to the school or local newspaper vigorously expressing his aversion to war."

Edward J. Brown, the school-district principal who ordered James to remove the armband and suspended him when he refused and then recommended his dismissal, now stated in an affidavit that he feared at the time that "the armband would tend to be disruptive and would possibly encourage pupils to engage in disruptive demonstrations." Actually, most of the students who were asked about the armband's effect on them confessed that they hadn't known what it stood for; in fact, some of them said, it had never occurred to them that anyone but hippies might object to the President's war policies. Although this attitude made it clear that a black armband could not conceivably have created any kind of demonstration in a place as deeply conservative as Addison, Neuborne ignored that point in favor of another legal precedent—a far more effective tactic than any citation of reality. In the case of Tinker v. Des Moines Independent Community School District, he stated, a girl in junior high school wore a black armband to school to protest the war in Vietnam, and the school authorities justified her suspension, as Brown now tried to do, on their apprehension that there might be a disturbance if she was allowed to stay in school. In that case, Neuborne explained, the Supreme Court ruled that the First Amendment gave the girl the right to wear such a symbol, and that this right could not be abrogated because of some school officials' "undifferentiated fear." (Actually, their fear had been differentiated, for they had not objected when some other students, during the same period, wore Iron Crosses to demonstrate their support for the war.)

Again and again, Neuborne assured the court that there was unquestionably a strong need for order in public schools and that any teacher who endangered it should be severely dealt with. Having obediently tugged his forelock to the state, he made his main statement on this issue:

> The state does, of course, possess a substantial interest in assuring that teachers do not coerce or intimidate students. However, such an interest may be protected without depriving teachers of the ability to express themselves in a non-coercive and non-intimidating manner. Thus, were James alleged to have expressed his aversion to the killing in Vietnam in a coercive or intimidating manner, appellees would be perfectly justified in conducting a hearing and, if persuaded of the charges, imposing appropriate sanctions. However, no one has accused James of coercion or intimidation. No student has even suggested that he or she felt intimidated by James' armband. In the absence of such intimidation or coercion, the state lacks a legitimate interest in curbing James' expression.

Despite his concentration on this point, Neuborne felt that it was rather trivial in comparison with an issue that was more basic to the case—the function of education in a democracy. Lawyers tend to place the points that they believe will most influence the judge in the body of their briefs and to place what most influences *them* in footnotes. (This is such a widespread practice, in fact, that a perusal of the main texts of briefs on important Constitutional cases will give the reader a fair idea of what most lawyers in the field think the law is, while a reading of the footnotes will show what they think it should be.) In Neuborne's brief, his main point appeared in a footnote on a statement made by the State Commissioner of Education, who, Neuborne said, seemed to assume in his ruling on James's act that "any expression of opinion by a teacher to a student on political issues would have an inherently coercive impact." Neuborne went on to say that "a false façade of neutrality would seem more subject to abuse than the honest expression of opinion in a non-coercive, non-intimidating manner," and he added, "After all, the function of the public schools is to educate citizens for active participation in a democracy. So long as it is non-coercive, a teacher's healthy exchange of ideas and opinions with students can only benefit the democratic process." Of course, this point essentially reflected the marketplace-of-ideas approach. Since that concept was so widely praised by jurists in theory, Neuborne used the notion, but since it was so widely ignored by them in practice, he put it in the footnote. The point that he believed in far more deeply—that James had not merely been unnecessarily denied a basic right but had been ruthlessly deprived of his basic individuality by an uncaring state—appeared nowhere in Neuborne's brief. It did not because Neuborne realized that his job as a lawyer was to persuade a three-judge panel of a federal court to grant his client's plea for reinstatement in his job, and not to present a brief that defined and defended the true nature of individuality in society. Any argument of that sort, he feared, would simply be considered by most judges to be legally irrelevant.

Treinin's brief submitted ten points to justify James's dismissal. Four of them were devoted in one way or another to the contention that the case was *res judicata*. (Nothing that Neuborne or the courts had to say about the absurd nature of this claim was to have any effect on Treinin—or on the lawyer for the Commissioner of Education, who, in the capacity of *amicus curiae*, submitted a brief at every stage of the case, largely relying on the same claim.) The only point in Treinin's brief besides this one that the Court of Appeals was to consider was his contention that "the issue of free speech is not involved." To support this view, he started out by quoting a well-known statement by Oliver Wendell Holmes in a case involving a policeman who was fired for engaging in political activity: "Petitioner may have a Constitutional right to talk politics but he has no Constitutional right to be a policeman. There are few employments for hire in which the servant does not agree to suspend his Constitutional right of free speech as well as of idleness by the implied terms of his contract. The servant cannot complain as he takes the employment on the terms which are offered to him." While Treinin listed thirty-three cases in a "Table of Authorities" at the front of his brief, he neglected to date only one

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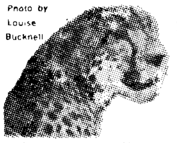
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of them—the Holmes decision, which was handed down in 1892, when Holmes was a member of the Supreme Judicial Court of Massachusetts. Since that time, legal opinions on the subject had changed somewhat. Treinin also relied on a similar state case dealing with teachers' rights—this one a 1954 ruling of the New York Court of Appeals which stated, much the same as Holmes had, "Petitioner may work for the school system upon the reasonable terms laid down by the proper authorities. If he does not choose to work under such terms, he is at liberty to retain his beliefs and associations and go elsewhere." And he also cited another New York case, in which the state Appellate Division, in 1961, justified its claim that there was bound to be "some loss of academic freedom in all organized education" by referring to what happened to Socrates.

By the nineteen-sixties, federal courts had repudiated the old Holmes doctrine entirely. In 1967, for instance, the Supreme Court stated that "the theory that public employment which may be denied altogether may be subjected to any conditions, regardless of how unreasonable, has been uniformly rejected." And, a year later, the Court's decision in Pickering was widely interpreted as amounting to a declaration that teachers and other public employees cannot be deprived of their basic rights unless the state can show a compelling need for limiting them in order to accomplish other, more essential ends. But Treinin ignored Pickering altogether. In fact, the only contemporary case that he found relevant on this point was Goldwasser v. Brown. In that case, a teacher who was employed by the federal government to teach English to foreign military officers enrolled in a school at an American military installation was fired for spending classroom time lecturing his students on American foreign policy and race prejudice. The Court of Appeals for the District of Columbia upheld the dismissal in 1970, and the Supreme Court declined to intervene.

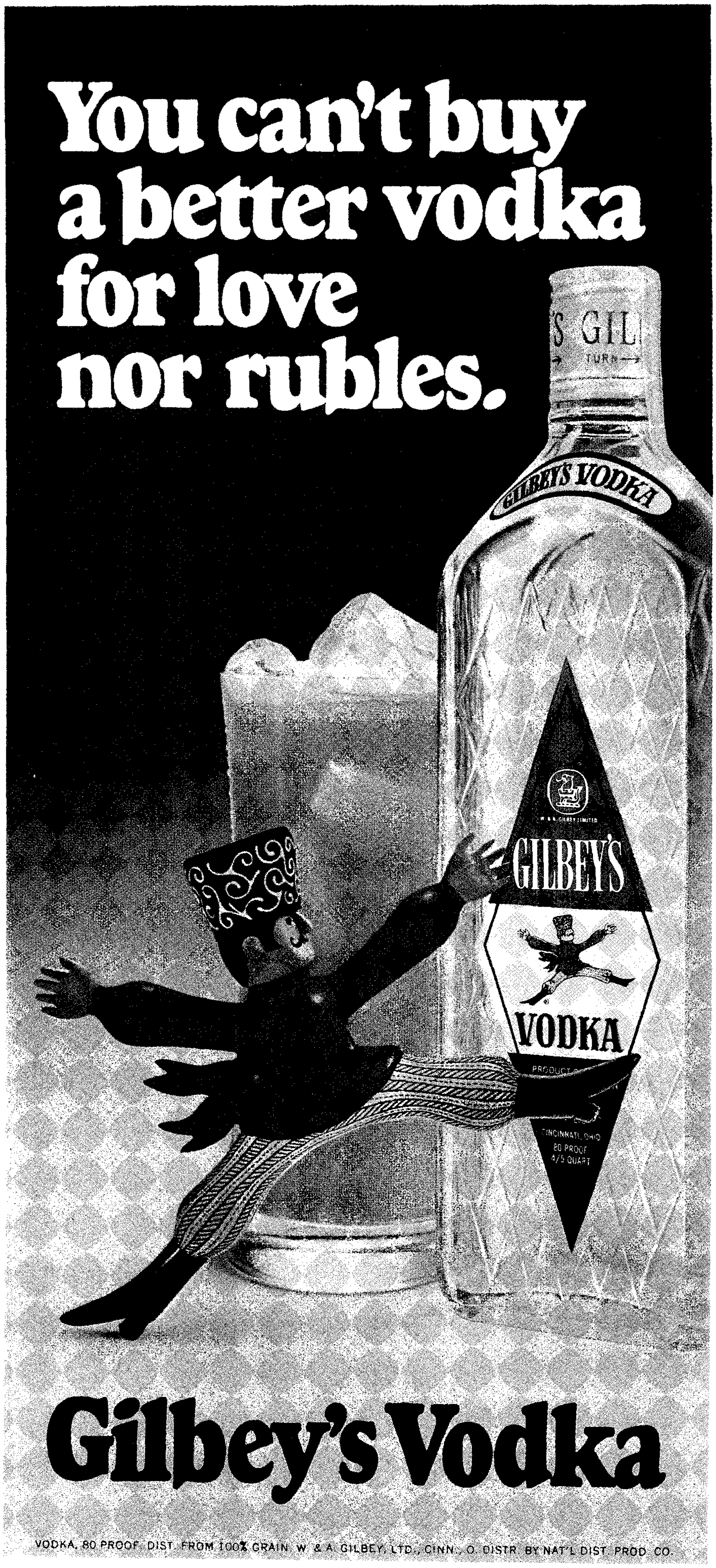
Treinin based his claim that freedom of speech was not an issue in the James case largely on the Goldwasser ruling. He began by quoting the Court of Appeals' observation in Goldwasser that "the free-speech interest of the teacher is to have his say on any and every thing about which he has feelings, provided there is no significant likelihood of his impairment of his efficiency." Although the statement seemed like an outright defense of an act such as James's, Treinin ignored that interpretation and went on to say that Goldwasser, like James, was not hired to teach, in the court's words, "current events, political science, sociology or international relations;" that both Goldwasser and James were English teachers; that in Goldwasser the court said, "Observations on Vietnam . . . would appear to have, at best, minimal relevance to the immediate classroom objectives;" and that, like James, Goldwasser was dismissed for what he did in, not outside, the classroom. "Thus," Treinin noted triumphantly, "we have a situation parallel to our case." He did not mention that the Court of Appeals upheld Goldwasser's dismissal essentially because he sacrificed large amounts of classroom time to air his personal views and thereby failed to perform the duty for which he had been hired. To Treinin, the Goldwasser case was such a compelling precedent that he was prompted to ask how anyone could claim the Hanover case to be "of any persuasive force." While Mrs. Hanover's refusal to lead a recitation of the Pledge of Allegiance by her students seemed to be a far more divisive act against society than James's act of wearing a black armband, Treinin did not see it that way. In concluding his argument on the issue of freedom of speech, he wrote:

> Apart from disagreeing with the [Hanover] decision, it can be pointed out that in that case there is absent the background of explosive political division and conflict represented by [James's] position; there is absent the background of marches on Washington; protest throughout the land; division portrayed in newspaper headlines and television news reports—an entirely different context is presented. Mrs. Hanover is momentarily expressing a personal feeling. Mr. James throughout the day sought to publicize an emotionally charged political position.

There was absent from Treinin's description the fact that Mrs. Hanover refused to lead a recitation of the Pledge the same week that James was suspended the second time for wearing a black armband. There was also absent the fact that she refused because she did not believe in the Pledge's guarantee of "liberty and justice for all," in view of the way that America was still treating its black citizens not long after their dissatisfaction with life in America had resulted in terrifying riots in cities across the country.

THE winter of 1971-72 was a long, hard one for the James family. At the beginning of it, James had a job on a crew that cleaned out a local store each morning before it opened. The crew worked from 5 A.M. until 9 A.M., and the pay was so low and the turnover so high that within a few weeks James became senior member and foreman. One morning just before Christmas, the manager of the store found a small pile of refuse that had been swept up in one aisle but not removed. He demanded that the sweeper who was responsible be fired. When James said there was no way of knowing who was responsible, he was ordered to pick out a member of the crew at random and fire him or her as an object lesson. Appalled by this arbitrary callousness, James replied, "O.K., I choose me. I'm fired. See you," and walked out. At Christmastime, there was almost no money and very little food in the James house, and Mrs. James gave each of the children two dollars to buy presents for the others. "It was a bad time," she said recently. "Charles and I were so terribly low, and the children had nothing to look forward to during the holidays." The day before Christmas, there was a knock at the front door, and when Neva James opened it she saw two men carrying several large plastic bags full of toys and candy. They were from the Arctic League, a local charity organization. "I'd always hated such charity—it seemed so demeaning to the poor," she said later. "But I was never so glad to see anyone in my life. We were really grateful. Those gifts made our Christmas." A little later, Amy, the second-oldest daughter, came home and asked where all the gifts had come from. When she was told, she laughed and said that her two dollars had seemed so little that she had given up trying to find anything presentable for her sisters and had donated the money to the Arctic League. That winter, James did whatever odd-job work he could find, and he also earned some extra money from a treasure trove he found when he removed a pile of trash behind the small barn on their property—some old bottles, just under the topsoil, that turned out to be of Civil War vintage and worth a few dollars apiece. Members of the Elmira Meeting of the Religious Society of Friends gave him antiques and secondhand furniture, and he sold those, too. Mrs. James took private orders for knitting and sewing, and with welfare aid the family got through the winter.

Toward the end of that period, Neva and Charles James finally came to realize that they could not continue to base their lives on the expectancy of a favorable decision on his case. "We once had the idea that it would be just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a little while more before the case was settled and we were back on our feet, but it had gone on for so long that we knew we just couldn't wait any longer," Mrs. James explained recently. "We knew by then that a decision wouldn't change what had happened to us and our family." Neuborne had submitted his appeal from the District Court ruling to the Court of Appeals for the Second Circuit, in Manhattan, early that winter, and the court set a date for a hearing on the case at the beginning of May, 1972. Mrs. James didn't want to go to it. "By then, I'd seen that we were living two lives, and I was determined to stop it," she said. Finally, though, she decided to go to the hearing—not so much for the event itself as to get the chance to see some of their old friends from the days, a few years before, when they had lived in New York City.

One of their friends in Manhattan was away at the time of their visit, and he lent them his apartment, stocked with steaks, the kinds of delicacies they hadn't been able to afford for years, and several bottles of their favorite Riesling. Some old friends dropped by soon after they arrived, and a party was arranged for the following night. "I got a feeling of being home again," Mrs. James said afterward. "It wasn't the city, it was the people who made me feel appreciated and needed, instead of like a case. For two and a half years, I had felt like the wife of a forty-odd-year-old father of four and English teacher who had been fired for wearing a black armband to school." Her sense of euphoria lasted through that day and into the next. The following morning, the Jameses took a subway to Foley Square. "We came up from underground into the thrill of New York, and I was just bubbling," Mrs. James said later. "I was going to court, and for the first time it didn't matter to me how the case came out."

James felt much the same way, until they reached the courtroom where his case was to be heard, in the federal courthouse. Neuborne's assistant was on hand, but Neuborne wasn't. He had been tied up in Washington because of an urgent summons the afternoon before from Justice Thurgood Marshall, who wanted to discuss a case pending before the Supreme Court, and was then on his way to New York by plane. The assistant explained to the Jameses that usually the three-judge panels of the Court of Appeals held hearings only during morning sessions, and that if Neuborne didn't arrive soon the case might be either postponed for several weeks, and probably end up with another panel of judges, or be assigned then and there to the assistant for argument. "I was frightened—desperate, really," James said later. "I knew that I couldn't emotionally stand another delay. I also knew that the panel we had drawn was one of the best we could hope for. And I knew that the assistant didn't have Neuborne's grasp of the case." The problem was quickly resolved, for when the three judges on the case were told about the delay and the reason for it they cheerfully agreed to wait for Neuborne and to reconvene after lunch.

James was greatly relieved, but then he was suddenly overcome by some of the deepest emotions he had felt since he first wore the armband. "At that point, I realized that I cared very much about my own vindication—not about Neva or the children or mankind but about *me*," he said not long afterward. "Then, a couple of minutes later, I became strangely absorbed by abstract concerns—the whole mural of history and the hope for justice over the centuries seemed to unroll before me. How many people, I wondered, have waited just to have a fair hearing? I became aware at that moment that there is so much suffering, so much hope held by those who seek justice. Once you experience misfortune and lose control over your life, even in a very small way, you come to see how big a community you belong to. Then you realize that most of those who have seen misfortune haven't even tongues to speak of it, let alone the power to do anything about it. That I had been able to do something about it made me feel a little better. But I was still terribly agitated by it all. Finally, I had to get away from everyone, and I went out into the hall and looked out the window across Foley Square and on uptown. I kept asking myself, 'Is it necessary that men go through this forever without any change?' I don't know the answer. I don't understand why it is that we can build snowmobiles and go to the moon but we can't handle injustice."

Neuborne reached the courtroom at a little before one o'clock, and when the judges returned to the bench, at two o'clock, he rose, formally introduced himself, and delivered a brief statement on James's behalf—mainly devoted to the assertion that his act of wearing a black armband to school to protest the killing in Vietnam was a case of symbolic expression protected by the First Amendment and had caused no disruption in the school. Then Treinin got up and spoke at length on the many points covered in his brief. The judges had asked Neuborne only a few questions, but they pressed Treinin again and again on his various claims—especially on his contention that James's armband had been a divisive and potentially disruptive symbol. At one point, Judge Irving R. Kaufman, then the senior member of the panel and now Chief Judge of the Second Circuit, asked Treinin whether he would have felt that James had been justifiably fired if the Quakers who prepared and wore black armbands had decided instead to wear black ties and James had done that. Without hesitation, Treinin answered, "Yes, Your Honor." The judges looked amused. Later, when Treinin raised his favorite spectre—of a violent confrontation when fifty faculty members turned up at a public school like Addison High with half of them wearing black armbands and half of them wearing red-white-and-blue sashes—the three judges looked even more amused. And when Treinin made his favorite legal argument—that the case was *res judicata*, or already judged, and could not properly be considered by the federal courts—Kaufman swivelled his chair around impatiently.

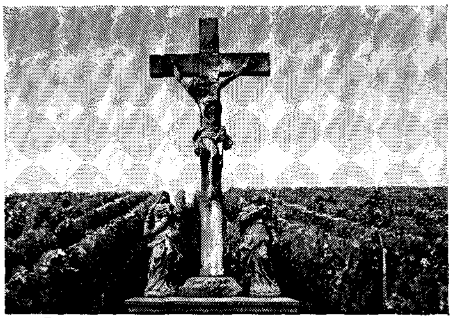
The Jameses watched and listened with awe. "The judges asked really hard questions, and made points that neither lawyer had even mentioned," Mrs. James said later. "It was clear that they had really studied the case, and understood every facet of it. People had kept telling us that this was an important case, but I couldn't believe that it was important to anyone but us. Then, as I listened to the arguments, I realized that it *was* important to the judges, and that they were as concerned about the act of wearing a black armband as they would have been if a life were at stake."

After the hearing, Treinin rushed up to Neuborne in the corridor outside the courtroom and cried, "It's going to the Supreme Court! It's going to the Supreme Court!"

Realizing that he believed he had lost, Mrs. James turned to him and said, "Oh, come on, Mr. Treinin. You've won twice. We ought to have at least one!"

Treinin ignored her and exclaimed to Neuborne, "It'll be five to four! Five to four!"

When Treinin left, Mrs. James



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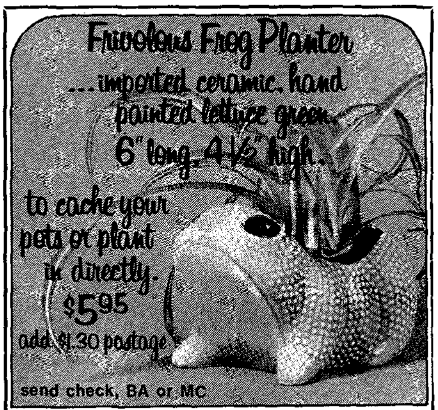
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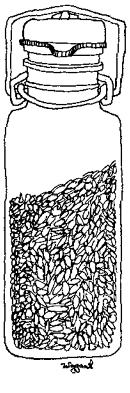
turned to Neuborne and asked, "Is there any chance that Charles will finally win?"

Neuborne looked at her wearily, nodded and shrugged at the same time, and answered, "We have to believe there's *some* justice."

The Jameses' delight with their visit to New York, the renewal of old friendships, and the apparent outcome of the hearing ebbed away as soon as they got home. "We were back in the other of our two lives," Mrs. James remarked later. "Then we heard that Brown, the district principal, was telling people that even if the Court of Appeals ruled against the school the decision wouldn't be forthcoming for at least six months. That meant Charles wouldn't be reinstated in his job before Christmas. I just knew I couldn't stand it that long."

To everyone's surprise, the Court of Appeals delivered its decision in less than three weeks, on May 24th. The ruling was unanimous, and reversed the finding of the District Court, which was ordered to conduct "proceedings not inconsistent with this opinion." Neuborne telephoned James with news of the victory, and told him that he would be back at work in his old job when school opened in the fall and that he might also be paid his salary retroactively—some twenty-five thousand dollars in all. "We were living completely on welfare then—in fact, things had never been worse for us when word of the reversal came in," Mrs. James said afterward. "We were absolutely ecstatic and danced a wild jig."



The Court of Appeals based its decision in the James case solely on the issue of freedom of speech. Judge Kaufman wrote the opinion, which began, "The First Amendment proscription against any law abridging freedom of expression, perhaps more than any other Constitutional guarantee, frequently brings into sharp focus the inexorable tension between enduring concerns for individual freedom and the authority required to preserve the democracy so crucial to realizing that freedom. For several decades, the courts have struggled with principles and concepts necessary to strike a functional balance between protected speech and the government's legitimate interest in protecting our democracy." In other words, the court's decision was to rest on the balancing test, which indicated that Judge Kaufman and his colleagues were not proposing to break any new ground in *their* struggles with principles and concepts. His formulation of the test revealed more about the problem than about the solution: "Any limitation on the exercise of Constitutional rights can be justified only by a conclusion, based upon reasonable inferences flowing from concrete facts and not abstractions, that the interests of discipline or sound education are materially and substantially jeopardized, whether the danger stems initially from the conduct of students or teachers." Of course, different students and teachers, different school officials, different judges, and different jurors might interpret "reasonable," "interests of discipline," "sound education," "materially and substantially jeopardized," or "stems" in different ways.

The court's decision relied heavily, as Neuborne had predicted, on the matter of disruption or the lack of it. In the second paragraph of the opinion, Judge Kaufman approvingly noted that James's appeal "is quick to agree that . . . disruptive activities on the part of teachers or students which threaten the essential functions of our schools" should not be tolerated. Then, at seven places in the seventeen-page decision, the Judge pointed out that James's armband had created no disruption whatever. In short, since the state had not been abused in any manner, the individual was free. At several points in the opinion, Judge Kaufman also paid rhetorical obeisance to the hallowed tradition of a marketplace of ideas, and observed that since another teacher at Addison High School was permitted to post a "Peace with Honor" sign on his classroom bulletin board, the school's "actions under such circumstances would indicate that its regulation against political activity in the classroom may be no more than the fulcrum to censor only that expression with which it disagrees." On the question of Treinin's favorite point—that the case was *res judicata*—the opinion said, "We consider this to be wholly without merit." And Treinin's nearly total reliance on the Goldwasser case as a precedent was dismissed in a footnote as "clearly inapposite."

While the decision vindicated James, it so narrowly circumscribed the rights of teachers in general that it was ultimately another victory for the state over the individual. In the long run, Treinin and his clients, who believed they had lost, had actually won, for the ruling could later be used by the conservative—or statist—side they represented as a precedent for restricting personal rights. Among the main par-

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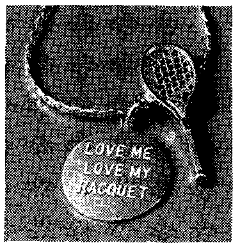

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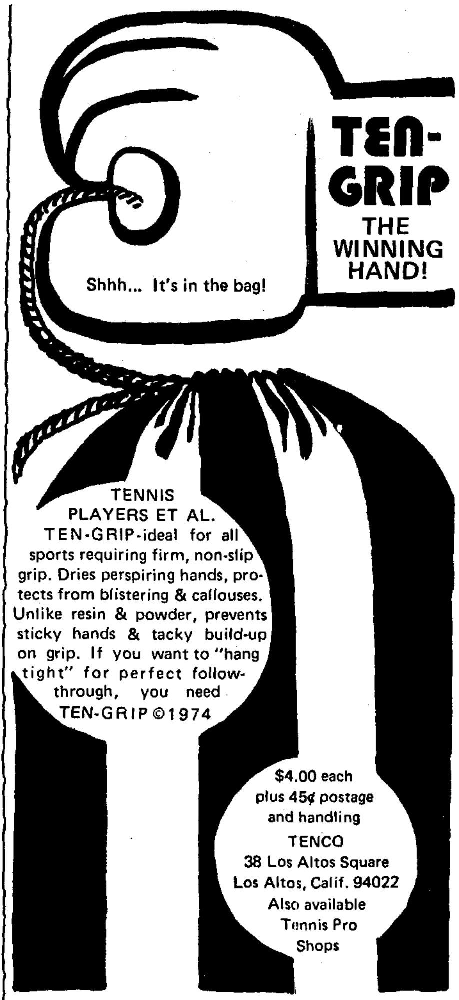
ticipants in the case, Neuborne alone viewed the decision as an extremely dangerous triumph for one man. "What the court really said was that if a citizen's self-expression has any appreciable effect, it falls outside the protection guaranteed by the First Amendment," he explained. "James's act was upheld *only* because it was futile."

A FEW days after the decision came down, Treinin appealed to the Chief Judge of the Court of Appeals for the Second Circuit, Henry J. Friendly, one of the nation's most respected conservative jurists, for an *en banc* hearing before all nine members of that court to reconsider the ruling. Legally speaking, the request was pointless, for ordinarily such a hearing is granted only if a case is of great and urgent importance. But the move indicated that Treinin and Brown were prepared to go to almost any lengths to stop James from returning to work at Addison High School. As expected, the request was turned down, in July, whereupon Treinin vowed to take the issue of reinstatement and back pay to trial when the case was returned to the District Court. Of course, the Court of Appeals ruling that James had been illegally dismissed contained the implicit conclusion that he was entitled to get his job back. But since that conclusion had not been stated explicitly, his adversaries were able to skirt the obvious meaning of the judgment until a direct order was given them, and they refused to reinstate James voluntarily. Neuborne faced a twofold problem: on the one hand, he wanted to make sure that he obtained such an order before the school year began, so that his client would get his job back in time; and, on the other hand, he didn't want to go before Judge Burke, who had ruled against James in District Court earlier. Fortunately, Burke went on vacation the first of August, and Neuborne's motion for reinstatement was heard a few days later, in the District Court in Buffalo, before Judge John T. Curtin. Treinin argued that if James was reinstated and then dismissed after another court appeal, this would disrupt the educational process. It was a curious defense for circumventing the law, and Judge Curtin rejected it. He also rejected the claim that many issues of fact in the case had still not been settled, since, he observed in his ruling, Treinin "was unable to specify at oral argument what those issues are." Accordingly, the Judge ordered James reinstated at once in his job for the 1972-73 school year, and warned, "The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court will not entertain an application for a stay of this order." The school board obeyed, and James was given back his job, at a salary of nine thousand seven hundred and ninety dollars a year.

A couple of days later, rumors began going around that a mob was being organized to ride James out of Addison on a rail if he appeared at the school. A woman teacher there vowed that she would not remain on the faculty if James rejoined it, and a male teacher swore to "get" him. Mrs. James learned from some sympathetic teachers at the school of a plan to provoke a confrontation between James and the town, so that it could later be shown in court that he was a disruptive influence. Frightened by this prospect, Mrs. James telephoned Neuborne, and he immediately called Brown to say that neither James nor he sought any trouble and that both of them felt that the disagreement could be settled and relations resumed amicably between the two sides. To help out, Neuborne offered to fly to Elmira and speak before the residents of Addison to explain the law and appeal for common sense and calm. Brown flatly rejected the offer, saying that Neuborne's appearance there would only inflame the opposition. The situation was serious, he went on, and asked Neuborne to stay away from the town. Afterward, Neuborne wondered if the threat to keep James out of the school was real. "I think they were trying to make it seem worse than it was to keep the board's side whipped up," he said. "There may have been half a dozen of the usual local loudmouths—Legionnaire types, mostly—but I'm sure the threat was mostly noise. People like that are the first to moan about the lack of law and order. They certainly want order—as long as it's *their* kind of order—but they don't give a damn about the law."

Proof of this attitude emerged a couple of days later, when Brown announced that James would supervise six study halls and a lunch period—in other words, he would not be given back his teaching job as the court had ordered. Neuborne warned Treinin that if this flatly illegal maneuver was carried out, he would ask Judge Curtin for a contempt-of-court citation and a stiff fine. At that, Brown agreed to give James some classes to teach. On Neuborne's urging, James went to talk to Brown about what courses might be assigned to him, and to his surprise Brown was friendly and offered to cooperate fully. According to James, he

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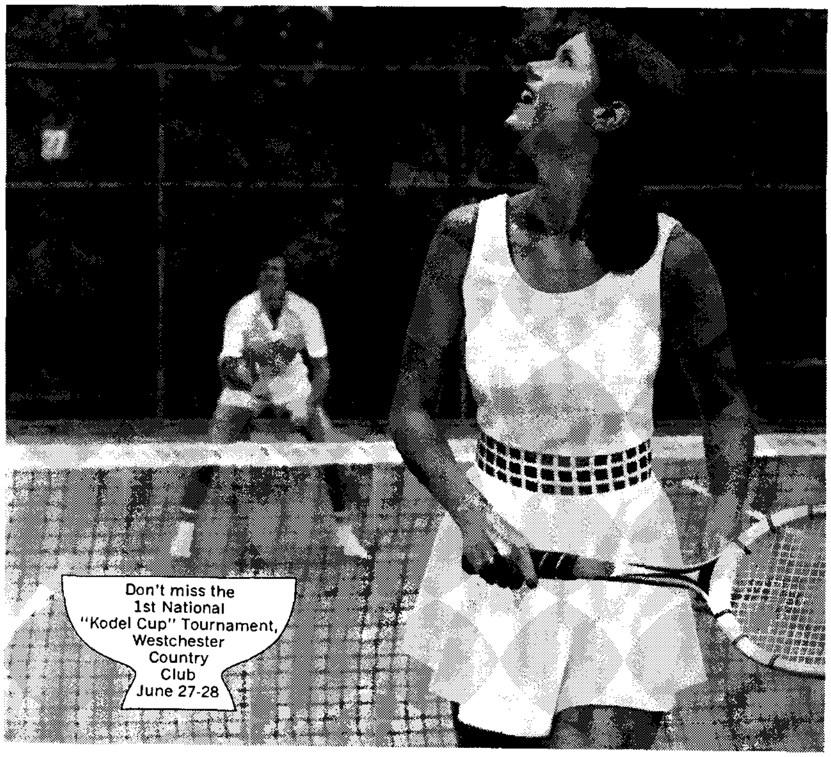

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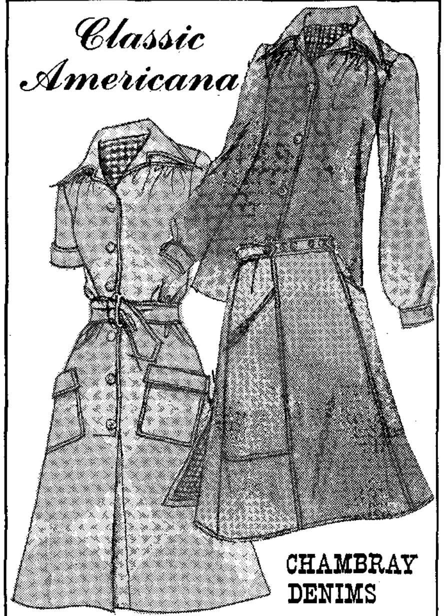

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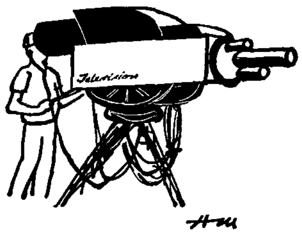
said that he would speak to some of the other English teachers and ask them if they had any electives that they might give to James. Only a couple of weeks remained for James to prepare any courses he might teach, but he heard nothing more from Brown. On orientation day—the day before the school opened for that year—James arrived early and checked his mailbox to see if there was any word from Brown. There wasn't. Then James talked to all the members of the English Department and asked if anything had been said to them about giving up electives. Nothing had been. A number of them told him that they would be delighted to give up a course or even two, so James went to discuss the matter with Brown. As soon as he broached it, Brown asked to know what pressure he had exerted on these teachers. "You may think you're going to take over my school, but I'm still running it," Brown told him. James denied that he had any desire to be anything but an English teacher. Finally, Brown told James that he could have two or three elective courses if anybody signed up for them, and three or four study halls, and that if this approach didn't work he would consider taking classes away from other teachers and giving them to James. "Since he had been so full of pedagogic theory in my case," James said later, "I told him that it seemed unsound educational practice to start students off with one teacher and then switch them around later." Infuriated by the remark, Brown said that he could not understand a man who stayed on where he wasn't wanted, and that he wouldn't work there for another day if the school board didn't want him around. "Brown didn't seem to have the faintest idea that I wasn't working for him," James remarked afterward. "I suppose it never occurred to him that I was working for the students." In any event, that fall term James was given two elective courses—one in modern poetry, with ten students, and one in public speaking, with two students; of course, it is impossible to teach public speaking unless the class is large enough to serve as an audience.



At the end of September, Treinin submitted a petition for a writ of certiorari—that is, a request for a review of the case—to the Supreme Court. The petition was largely a rehash of the arguments he had made before the lower courts. The Supreme Court denied his petition, on December 4th, and, as usual in such cases, gave no explanation for the denial. Treinin immediately petitioned the Court to reconsider its decision. This time, he relied almost entirely on the thoroughly discredited contention that the case was *res judicata.* Early in January, 1973, the Court turned down this plea, too.

DESPITE the intransigence and hostility demonstrated on all sides, Neuborne clung to the hope that if those involved were given enough time they might work out their anger, settle their differences decently, and let things return to normal. Above all, Neuborne hoped that they wouldn't have to go back to court. "It's still possible that Brown and the members of the school board will begin to ease off, and start being civilized," he explained. "If they keep James on and give him at least a fair chance, I'm sure that he'll give up his right to back pay, and everything will be smoothed over. What has bothered me from the start of this case is what bothers me in all civil-liberties cases: everybody becomes so absorbed by issues and principles that they forget what is happening to the individual. I've tried desperately to end this case at every stage, and not make a big thing out of it. We've won an important case, but I'd happily give that up if all this could be erased. The crucial point—what we've been battling over—is Charles James's inherent right to a decent and meaningful life. But the battle itself has almost destroyed that right. Charles James is Humpty-Dumpty on the wall. Five years from now, some law professor will cite the James case as the great turning point in the fight for teachers' rights. But that won't do Charles any good. If he falls off that wall now, all the law in the world won't put his life back together again."

At Addison High School, James's life was a quiet, unrelenting torment. School officials refused to have any direct contact with him, and dealt with him through administrative memoranda on the most trivial subjects. James assumed that he was being harassed in this manner in the expectation that he would finally react in a sufficiently intemperate way to justify his dismissal. To avoid the slightest misstep, he got Neuborne's advice on how he should answer every memorandum, and the need for that kind of constant consultation on such insignificant matters further reduced James's drained self-confidence and further increased the distance between the two sides.

During this period, Mrs. James watched her husband with increasing anxiety. "Charles is very constrained," she told a visitor at the time. "He has to be extremely careful about everything he says and does—even the slightest inflection in tone or the smallest act. He always used to rely on his wit as an escape valve at times of trouble, but now he's even afraid to make jokes, because anything might get him into more trouble. Now he has no outlet and no one to talk to openly except me. Fortunately, I'm not subject to this isolation and harassment. We have enough money to live on again, and I'm at home and free to do what I want to do—work in my garden and sew and cook and look after the children. But Charles is terribly frustrated. For instance, the teachers at Addison are negotiating a new contract right now, and he was asked to help represent them. They think that because he won his case he knows how to do things. Charles has had to refuse to get involved in any way, and has remained strictly neutral. At the same time, he doesn't want to insult them by seeming to be uninterested, so he's had to listen patiently to them hour after hour without being able to say what he thinks. And the kids at school sense his frustration, so they go to him with *their* frustrations. The same is true of some of the teachers, who come to him privately to complain about the school administration. He can't say or do anything to help them, either. So in the end he has been given all these other people's troubles to add to his own."

The Jameses had only a few close friends left—most of them fellow-Quakers from the Elmira Meeting. In the spring of 1973, a couple of these people hinted that perhaps James should do what his enemies wanted—get out of the area and settle someplace else where he and his family could start again. But James refused to listen. For one thing, there was the farm that he and Neva had bought for a few thousand dollars and had fought to save and make into a place of their own, and he could not bring himself to dig up their only roots. But, far more important, he felt that his manhood was at stake. He had grown into middle age trying to live decently and thoughtfully, and, as Neuborne remarked, "he had suddenly found himself facing the schoolyard bully again." James knew that if he backed down and walked away from the fight now, he would

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sacrifice not just the bitter years he and his family had struggled through but the little self-respect he had left. Afterward, Neuborne felt that his gamble on allowing the situation to sort itself out short of going to court might have harmed James unnecessarily, and said that he should have fought the case more quickly and forcefully in the courts.

When it became clear, early in 1973, that the school board would not voluntarily give James the back pay due him, Neuborne decided that he might have to make an additional appeal to the District Court for an order instructing the board to make up for the lost income. At that point, there were three legal possibilities: first, a summary judgment by a District Court judge one way or the other on the merits of the issue; second, a trial before that judge; or, third, a trial before a federal jury. The decision on which course would be followed lay with the District Court, and once again the key to the case was the question of whether or not James's act of wearing a black armband to school had caused any disruption there. "The facts in this case have gone undisputed for three and a half years," Neuborne said at the time, "and to change them now would seriously raise the question of whether the principals on the other side were telling the truth in the first place." Since the Court of Appeals had unanimously concluded that there was not "a scintilla of evidence" to suggest there had been any disruption, he added, the District Court would be obliged to weigh that conclusion heavily in its consideration of the case. Under federal rules, moreover, any decision by the District Court would be reviewable by the Court of Appeals, and at least one of the judges there who originally heard the case would have to be included in the review panel. These factors put the odds strongly in James's favor. What unbalanced them the other way, however, was the chance that a District Court judge would agree to a motion by Treinin for a jury trial. In that event, the jury might be allowed to decide what "disruption" meant on a factual basis, and might rule against James on any of a number of unpredictable grounds.

To protect James as fully as possible against this last eventuality, Neuborne flew out to Elmira and took depositions from Carl Pillard, James's immediate supervisor, and Brown. This procedure—known in legal circles as "discovery"—is designed to enable litigants to learn what their opponents have in mind (in this case, what Brown might

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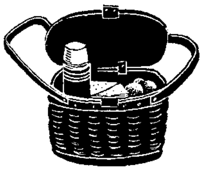
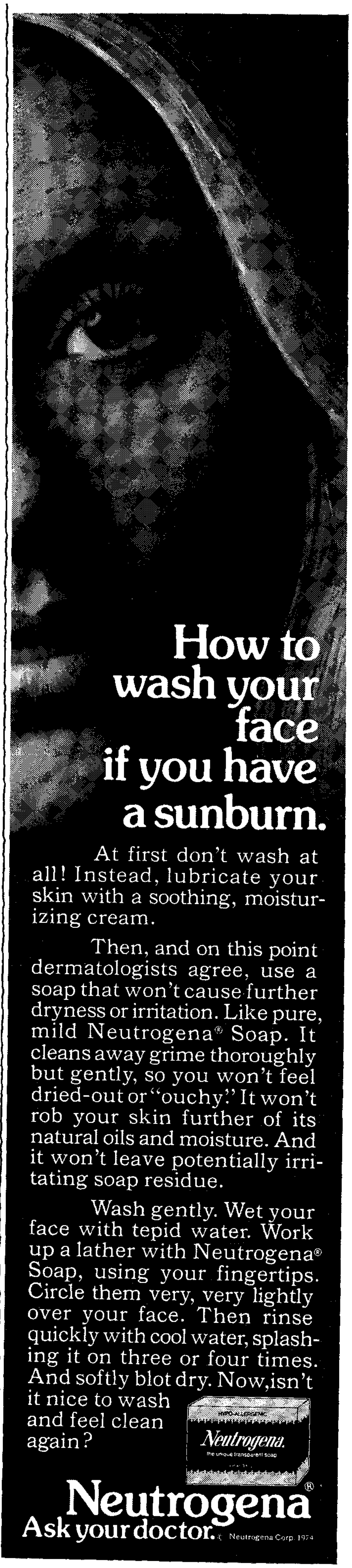
mean by "disruption") and to pin them down to a specific, recorded story so that they cannot change their approach later on if things seem to be going badly for them in court. Neuborne suspected Brown and Pillard would now claim that the armband had caused some kind of "psychological disruption," and they did. After the depositions were completed, he was jubilant. "They just kept making charges, but they don't have any evidence at all," he said. "They haven't the beginnings of a case, so I'm going to ask the court for a summary judgment in James's favor."



Once again, though, Neuborne put off going back to court, in the hope that the school board might still settle the case out of court. Two days after the depositions were taken, however, the local superintendent of schools informed James by letter that his appointment at Addison High School would end on June 30, 1973, and would not be renewed. Neuborne telephoned Treinin to ask that he be permitted to speak on James's behalf at the school board's hearing on the superintendent's recommendation, and Treinin persuaded the members of the board to agree—presumably because if they refused to even listen to Neuborne this might be held against them in District Court. Neuborne appeared before the board at an open meeting held on the evening of May 7th. Speaking calmly and expressing sympathy for the board under such trying circumstances, he asked that the members consider giving James a fair chance to show his abilities as a teacher by allowing him to teach at Addison High on a normal schedule the following school year.

"He's an experienced teacher, who has never before—ever—had it suggested that he's not an English teacher of the highest competence," Neuborne said. "I frankly have no desire to see this become a test case anymore, or to run back into court. I hope you believe me when I say this is true—that what I want is I want this thing to go away, and I want everybody to be able to return to the kinds of lives that they can lead in a community like this, where Mr. James can be of value and an accepted member of the faculty. . . . Whatever can possibly be done to keep situations like this out of court should be done to keep it out of court. It's a rotten way to solve problems. It's inefficient and it polarizes people. It makes people say and do things that they don't really mean. And what I'm hoping that we can do tonight is arrive at a way in which Mr. James can be permitted to have his professional credentials tested in the same way that you would test any other person that comes into Addison, and that's to give him a full year's teaching and not a truncated, very abnormal teaching experience, at the end of which, on the basis of a rather short observation, judgment is passed on his competence as a teacher. Back in '69, he obviously acted out of the deepest ethical, moral, and religious scruples. Again, we can either agree or disagree with them, but—by this time and with what he's been through—I don't think anyone now can question the deepness of sincerity that drove him to do what he did back in 1969. His family has been through a tremendous ordeal, and I hope that we can now put it behind us and let him return and be the kind of teacher that I'm sure, and that based on his past record, he can be. I don't want to see him suffer any more for what was truly an act of principle, which harmed no one, and which, I would hope, would not continue to be carried against him."

The board then went into executive session, with both Brown and Treinin present and both James and Neuborne excluded. Neuborne protested that the arrangement was "dreadfully unfair" and against an explicit order on such matters handed down the year before by the Supreme Court. The members of the board ignored him, and after deliberating in private for half an hour they emerged and Treinin announced that they had reconfirmed their earlier decision. The reason, he explained, was what happened when James was temporarily suspended for wearing the armband the first time and then was allowed to return to his job on the condition that he would not engage in any more political activity. "He came back," Treinin said, "didn't say a word to the board, and he broke his promise" by wearing the armband again a month later. As it happened, James had made no promise and, in fact, could not have made such a promise, since he claimed from the outset that his reasons for wearing the armband were wholly moral and religious and had nothing to do with politics. Treinin also charged that James had not even mentioned his religious convictions until many months after he was fired. That was also false. In any event, Treinin then said to Neuborne, "So do you see, Burt, why perhaps this board, in all good conscience, looks with a rather jaundiced eye on any com-



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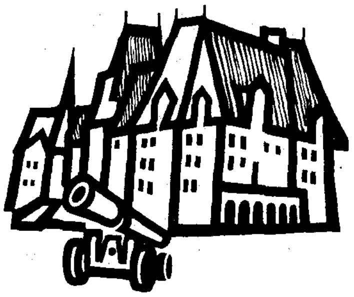

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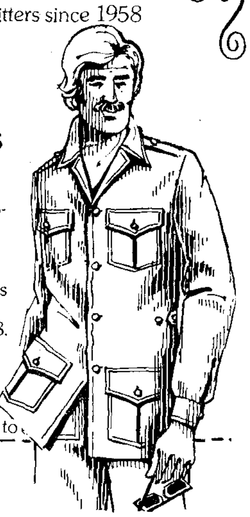

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mitment that Mr. James might make?"

For the first time in his legal career, Neuborne lost his temper. Getting to his feet slowly, he said, in a voice shaking with anger, "I wasn't present in that meeting, and I don't know what allegations were made about Mr. James's principles or not. I do know this: He's probably the most principled man it's ever been my privilege to meet, and has suffered grievously for four years because of those principles. I think this board is committing an unconscionable act in continuing what is a personal vendetta by Mr. Brown against Mr. James."

"Oh, please!" Treinin cried.

Neuborne waved him aside and went on, "Let me say this now. I *will not* tolerate—"

"No, please, Burt—" Treinin begged.

"I have conducted this litigation up until this time under the assumption that we were dealing here with an abstract question of law in which there was no animus whatever—"

"*There isn't! There isn't!*"

Neuborne ignored him and went on, "I want to say now that on the basis of not being permitted into that executive session, not knowing what happened in there, and on the basis of Mr. Treinin's, essentially, character assassination of Mr. James—"

"Oh, no!" Treinin shouted.

"Good faith?" Neuborne asked, looking contemptuously at Treinin. "He said he vows his good faith!"

"I do! I do! I do!"

"I call that character assassination," Neuborne told him. Then, turning back to the members of the board, he said, "I now consider that the future litigation in this case just cannot be continued on the same terms and conditions that we continued in the past. I want to put the board on notice, and I want to put Mr. Brown on notice, that I no longer seek damages from this board in an institutional setting. I seek personal and individual damages from you, because I consider that you violated James's Constitutional rights. And I will take every step within my power to see to it that those rights are protected. Good day, gentlemen."

WITHOUT the help of the American Civil Liberties Union and its state and local branches, people like James would never be able to fight for their rights; the fee for private legal representation in his case, for instance, could have run upward of fifty thousand dollars. At the same time, though, the various offices of the Union are in-

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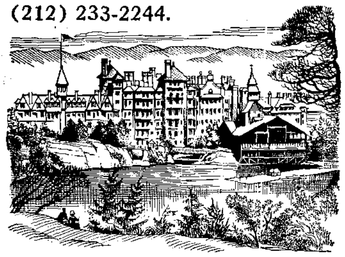

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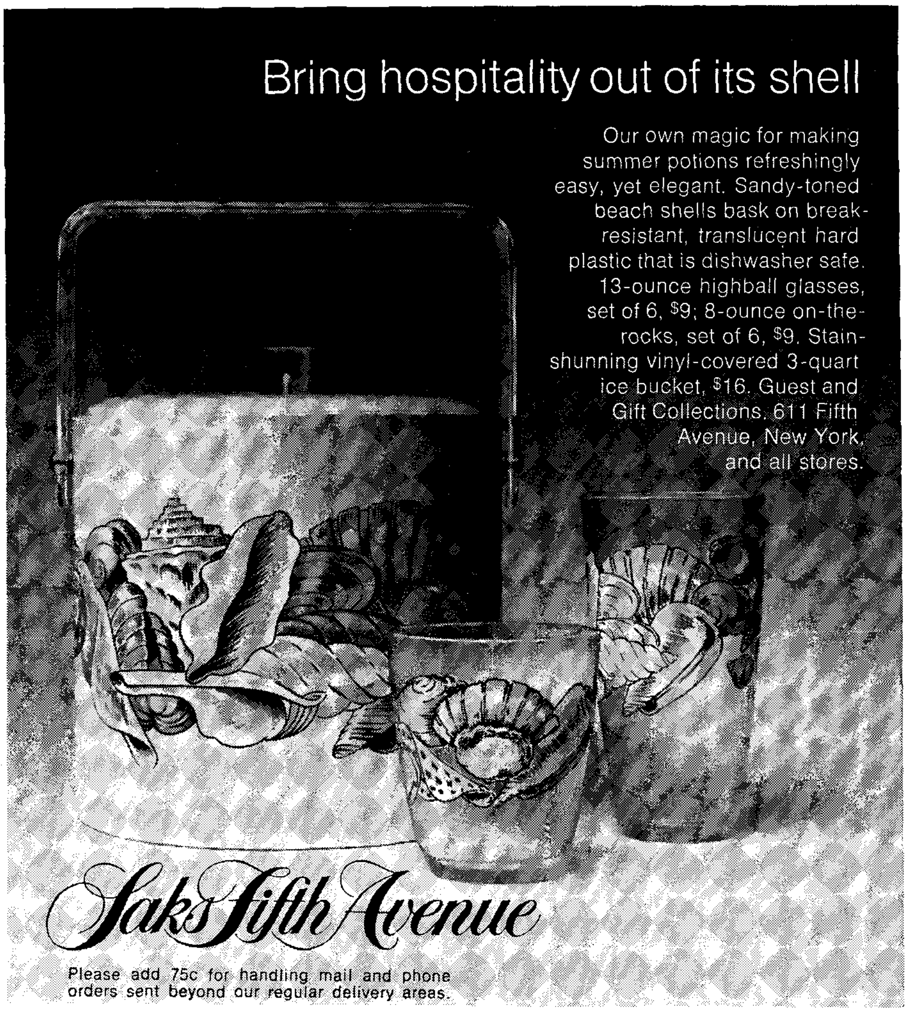
variably short on staff and funds, and often clients have to wait for more important or pressing cases to be disposed of before theirs are attended to. Throughout the summer of 1973, Neuborne was completely tied up on such a case—the effort by four Air Force pilots and Representative Elizabeth Holtzman to persuade the federal courts to declare the American bombing of Cambodia illegal. As a result, it wasn't until mid-September that he got back to the James case. Neuborne filed a motion before the District Court in which he asked for a summary judgment ordering that James be reinstated once more in his job and given his salary for the two and a half school years that he was illegally deprived of it. At the beginning of October, Brown submitted an affidavit to the District Court stating that the Addison school board had no authority to grant James tenure. James hadn't asked for tenure and had, in fact, offered to waive tenure even if he seemed to be technically entitled to it once he was reinstated. Brown also claimed that to reinstate James at that point would disrupt the school—a concern that hadn't seemed to bother him when he suspended James and got him fired. Then Treinin submitted a brief opposing Neuborne's motion. In sum, it contended that a trial on the issue would show "that damages done to the students by 'inherent psychological disruption' may be greater than that inflicted by the physical disruption of a classroom riot." In rebuttal, Neuborne pointed out that there was no evidence of any kind of disruption, but Treinin insisted that there was. "The physical marks that may result [from such a riot] will soon heal," he wrote. "Not so with thoughts implanted in the mind of the student. Once instilled, without opposing ideas on the subject, it becomes the core for the thinking of the student on the issue presented, unopposed by differing points of view. . . . No greater disruption can be envisioned in the educational context than that students be exposed only to a single point of view on great political issues."

At the end of October, District Court Judge Burke, who had originally heard the case and summarily dismissed James's complaint, disqualified himself from participating in the case. When Chief Judge John O. Henderson took over, Neuborne assumed that he would quickly, and favorably, dispose of the matter, since back in August he had ruled, in a similar case, that a teacher who was illegally dismissed was entitled to full back pay. On



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November 17th, Judge Henderson held a hearing on Neuborne's motion and reserved judgment. The rest of November and then December and January passed without word. Appalled by what seemed to be judicial neglect of a citizen who had already suffered needlessly from the law's delay, Neuborne contemplated asking for an immediate judgment. He also considered filing an official, and public, complaint before the Court of Appeals about the District Court's intolerable and unnecessary delay and the hardship it imposed on his client. Before he could do either, however, he received word, on February 19th of this year, that Judge Henderson had died. Apparently, his illness had been the major cause of the delay.

Judge Henderson's death and Judge Burke's disqualification left only one judge in that court to handle the case—John T. Curtin, who had ordered James reinstated in his job back in August, 1972, following the Court of Appeals decision. Neuborne waited a decent interval after learning about Henderson's death, and then, on March 14th, wrote Judge Curtin a letter outlining the facts in the James case and asking for a speedy disposition. From the time James lost his job at Addison High School, in June, 1973, he has supported his family largely on food stamps from the local welfare agency and by his earnings from various odd jobs. Neuborne didn't mention these details. Instead, he wrote, in conclusion, "Mr. James has been unable to secure a teaching job, and his family is, therefore, in serious financial straits. While Mr. James' economic plight should in no way affect your judgment on the merits of his motions, I hope that it will prove relevant to a determination of the speed with which action may be taken in this case."

Judge Curtin invited the opposing lawyers to join him in his chambers to discuss the case on April 1st. The result of the meeting was that he agreed to hold a one-day trial, on May 14th, without a jury. He said that he would hear Treinin's arguments on the question of the "psychological disruption" that might have been caused by James's black armband and then would allow two expert witnesses to testify in support of this position. After that, the Judge went on, he would either render summary judgment or, if the defendants' arguments seemed to raise serious questions, he would allow Neuborne a chance to offer a rebuttal and to present two expert witnesses of his own on the other side. In any event, the Judge made clear, he would deliver his decision soon after the day's testimony.

In the corridor outside Judge Curtin's chambers, Neuborne got into a discussion of the case with Treinin and told him that under a recent Supreme Court ruling James was entitled to, and that he intended to, sue Brown and two other school officials as individuals for depriving him of his Constitutional rights. Treinin seemed stunned, and asked Neuborne why he was behaving so vindictively. "Because I believe your clients have acted in bad faith in this whole matter from the beginning," Neuborne said. On April 9th, Neuborne filed a motion to consolidate James's earlier claim for back pay with the new claim that the defendants had illegally and intentionally deprived him of his right of free speech under the First Amendment and of his right to due process of law, on several counts, under the Fourteenth Amendment. For this, Neuborne contended, James was entitled not only to his back pay but to "compensatory" damages of fifty thousand dollars and to "punitive" damages of twenty-five thousand dollars from each of the three defendants. On May 13th, Treinin responded by asking the court to try the cases separately—the first one, for back pay, before Judge Curtin alone, and the second one, for compensatory and punitive damages, before a jury—so that the facts in one would not influence the jury about the facts in the other. Because of the new issue that Neuborne had brought up, Judge Curtin postponed the trial on the subject of back pay—set for May 14th—to an unspecified time. Eight days after that trial was to have taken place, Neuborne told the court that he accepted the defendants' proposal to separate the two trials but asked that the case involving back pay be resolved as soon as possible "to alleviate the serious financial distress under which the James family is now laboring." The other case, Neuborne said, could wait. A few days later, Judge Curtin asked both sides to submit their papers on the various issues to him by June 17th. Neuborne hoped that the Judge would hold the trial on back payment at once, and that a jury trial on the other issues would be held sometime this summer. At this stage, that is where the two cases rest. Whatever the Judge may decide, the litigation need not end there. Either side could appeal his rulings in either case, and either side could later appeal any appellate decision. The final disposition of the James case, in other words, could come in a few weeks, or it might take another year or two.

"I FEEL a kind of despair," Neva James said not long ago. "All this has made me finally accept something that I didn't want to believe: We can't trust our government anymore. We can't even trust it to obey its own rules. As far as the political process in this country goes, I have no confidence at all. At the same time, I have no illusions that we will be able to bring about change of any consequence. Maybe one student will see now, as a result of all this, that he has a right to stand up for what he believes in. But I don't have any hopes of changing people. All I have left is the hope that we can finally find a way to live simply and self-sufficiently, and stay out of it."

Charles James had a different reaction to what he had been through. "What's happening in this country today is that the government feels it can't allow people to be as important as the state," he said. "In a small way, I forced the state to recognize me, and to deal with me as an individual. That's the positive side of this case, because even though the state is blind and stupid and uncaring it still spent a lot of time and a lot of money trying to figure out what to do about a teacher who wore a black armband to school." As for the question of whether it had been worth it to him, as a man, to stand up and fight for his rights, James had no doubts. "I didn't wear the armband to change anyone's mind," he explained. "I wore it only as a symbol of conscience. I didn't do it so I would lose my job, or to hurt my family, or to be a martyr. I did it because I had to live with myself. Politicians won't tell us the truth. Our local leaders won't tell us the truth. So a man who feels the truth has to tell it for himself. No man should take a simple statement of conscience away from another man. If I had walked out of Brown's office without my armband on, I would have been without identity or self-respect. And if I hadn't fought on I never would have felt free again."

—RICHARD HARRIS

*(This is the second part of a two-part article.)*

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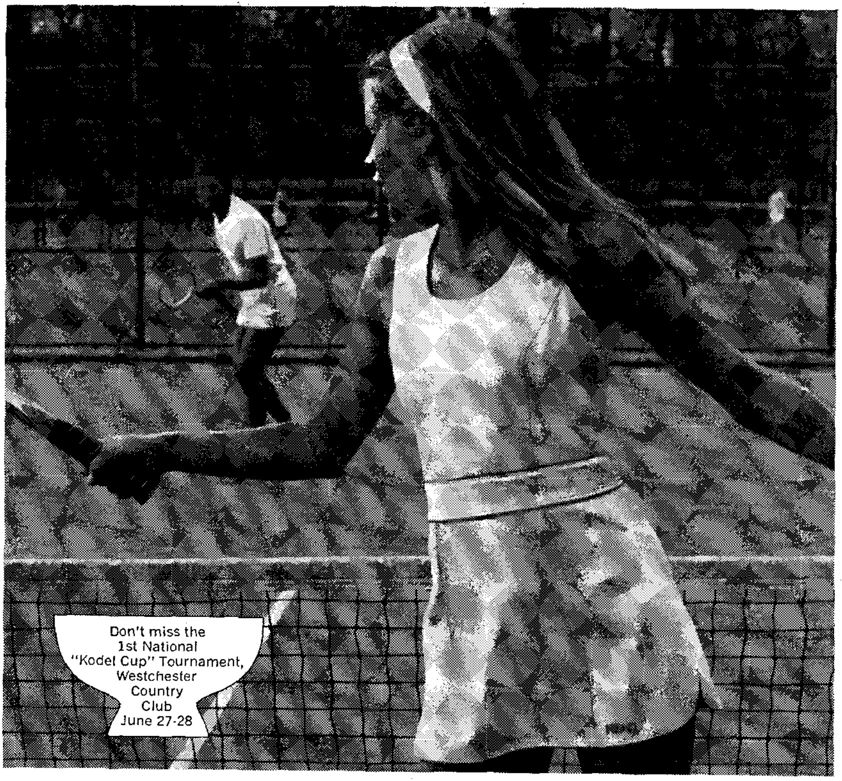

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# THE CURRENT CINEMA

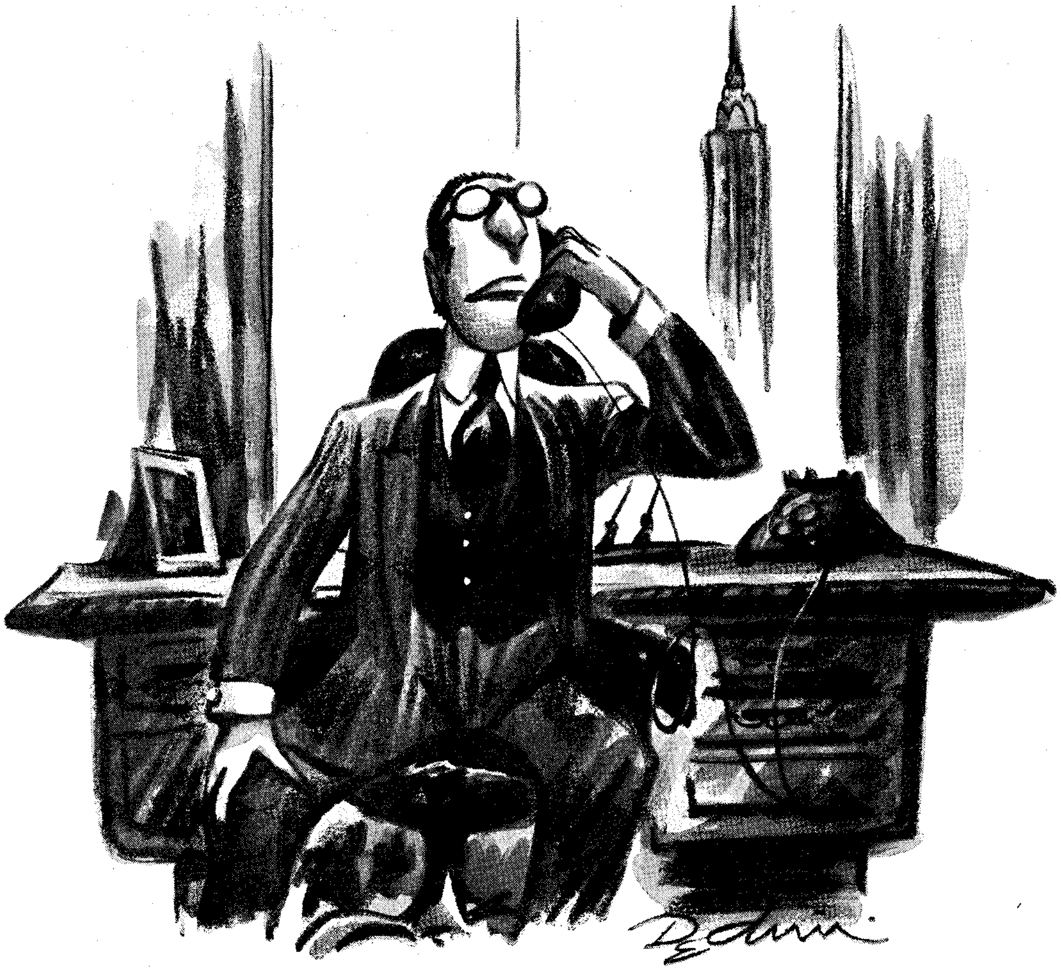
## *Church-Step Farce*

"THE SEDUCTION OF MIMI," written and directed by Lina Wertmuller, is a handsomely comic and political-minded farce that in Italy, where the characters live, has deadly-serious roots. The plot is a round robin of illegitimate babies, pride in motherhood, and pride in fatherhood. It is full of reckless Latin fury about cuckoldry, and gives prime place to *omertà*. People who know Italy might broadly define *omertà* as an agreed-upon male conspiracy of silence which covers up acts of vengeance.

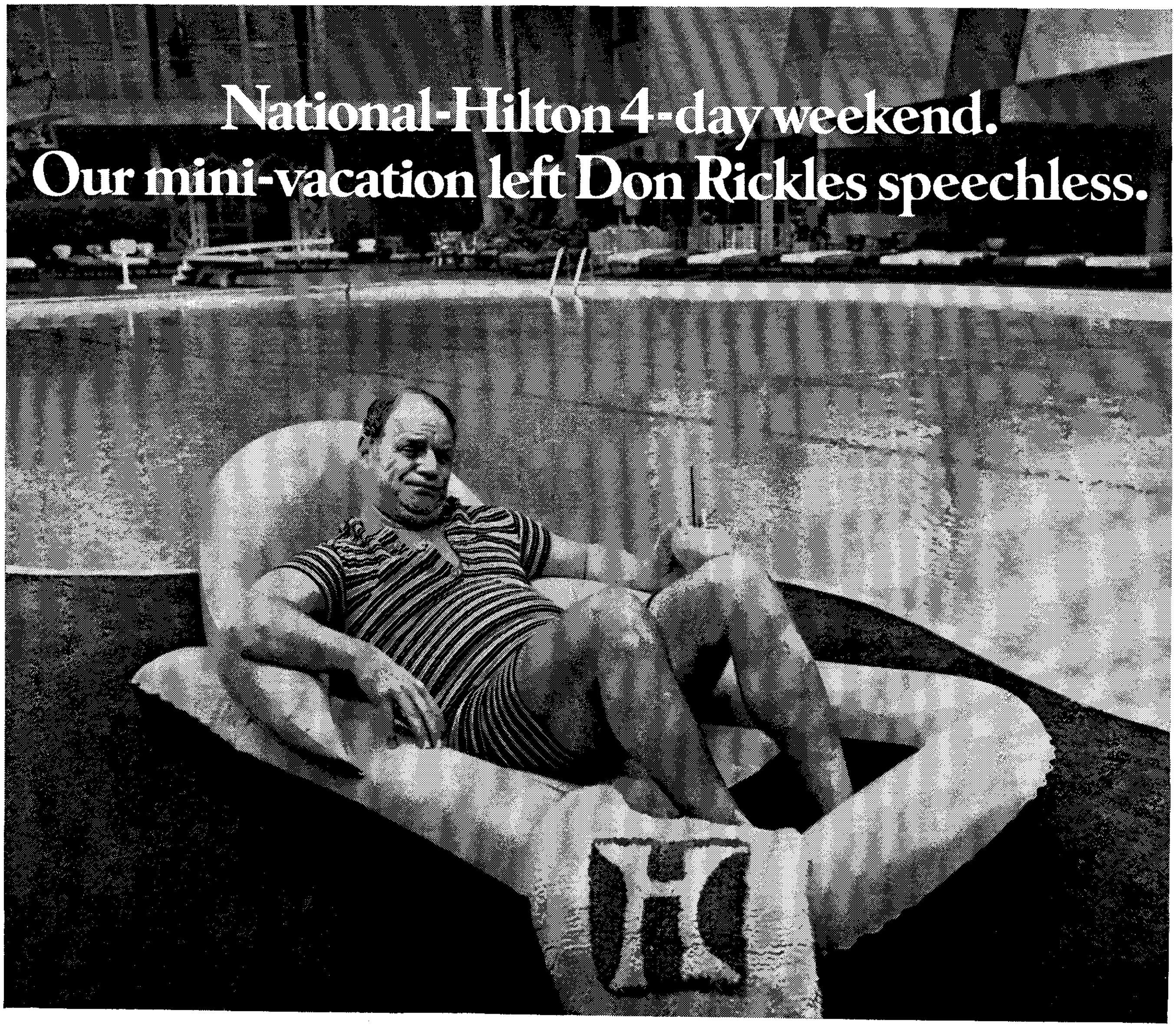
The hero is a poor Sicilian called Carmelo Mardocheo (Giancarlo Giannini), a solemn-looking, intense buffoon with a center hair parting and an expression that he nobly tries to convert from constant alarm to a promise of male prowess which will be fulfilled any minute. He is nicknamed throughout the film Mimi, imputing a sympathetic simplicity to his actually very tangled sexual dilemma. He is banished by the Mafia from his Sicilian surroundings of black-clad aunts and a reproachful young wife named Rosalia (Agostina Belli). Rosalia is dressed in raven clothes forty years too old for her, so that she seems to be in mourning for her life—like Chekhov's Masha in "The Seagull"—and perhaps for her husband's, as much as she is capable of entering into any man's temperament in this sexually divided society. An old man, grumpy but excited, is having his legs scrubbed before going to vote in a rigged election. It is the Mafia's anger at Mimi's not voting according to their directions that obliges him to leave. While her husband is away, in Turin, Rosalia changes. She learns to dance and to smoke. She works in a factory. In the meantime, Carmelo sets up a second household in Turin. He becomes a keen metallurgist and, against all the odds, an intent trade unionist. His mistress, Fiore (Mariangela Melato), whose face looks like a Cranach, has a beloved baby by him. ("Later, your daddy will buy you a blender," he says lovingly before she has the baby. "He isn't even born yet, and already he is a member of consumer society," Fiore answers, grateful enough but intellectually bothered, you feel.) When the baby is born, it is smuggled away very noticeably in black clothes and dark glasses, which are more than startling on a minute infant. The sepulchral babe is accompanied by its parents, in a car with muslin curtains. The conspicuous illicit family has now been drastically moved by the Mafia from Turin to Catania, very near Mimi's wife's home. Worn out with lovemaking and commuting, the man is in a state more of collapse than of guilt when he sees Rosalia. Local rumors spread that he's impotent, so he has his friends in to see Fiore's baby as proof of his manhood. But Rosalia's proximity keeps obliging him to go through the motions of resuming life with her. His marital worry, not quite keeping pace with his left-wing political convictions, is that no one would marry Rosalia if she divorced him. "Would *you* marry a divorced woman?" he asks a friend. "An *American* woman, perhaps," says the friend fiercely. "A woman of *substance*." As soon as the men of the town know about his baby, Mimi is rather envied. A metallurgical foreman with a car, a wife, a concubine, *and* a child! Perfect! "A Communist doesn't behave like this," says a friend. But, after all, a man . . .

Rosalia has her revenge. She has a baby by a uniquely boring tax officer. She explains proudly to Mimi that she resisted him, "but the more I resisted the longer he sang." She gets pregnant in a crane on a work site, to the secret admiration of the community. Mimi spiritedly braces himself to make love back to the tax officer's colossal wife, a scuttling woman with five children who is pitifully far too plain to give any credence to his cries of passionate love for her. The dialogue here is very funny and not at all cruel: Latin bedroom-and-church-step farce, written for a woman who is not a beauty but one of life's larger foothills, and for a man who is not farce's conventional intimidated lover but someone with the spirit of a Don Juan.

Lawyers present hopeless ways out of the complexities. Incensed clients run about with knives. Babies abound. But after all his years of toil



*"Round up the kids, Helen. I've just decided to spend some time with them."*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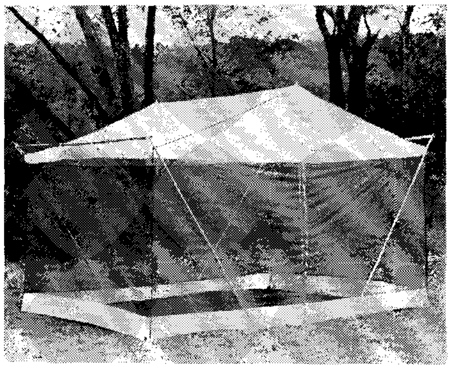

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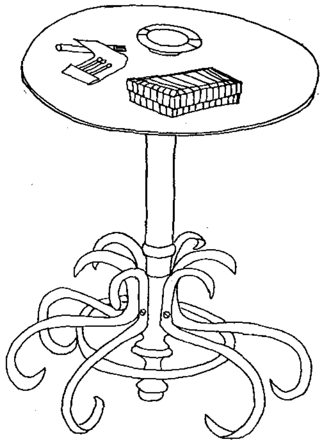
Mimi is still a poor man with left-wing ideals. Neither the Mafia nor the women of his community can batter his hopes for society. He is, as he says, a metallurgist, which means that he is a civilized individual. He has not yet quite worked out that having illicit children out of vengeance hardly squares with his liberalism, but perhaps he doesn't see having the children as an act of vengeance. Perhaps he loves them all. His idea of honor has suffered many changes. "Honor is when a man plays at war and then hurts himself," he says. Wrongly jailed for a Mafia murder, he is told by a member that the brotherhood of thugs managed to get him the minimum sentence. But the Mafia has always been his enemy. "You'll come, because in your position you need money," he is told coolly. Still declining, he serves out his sentence, and emerges from jail to find Fiore and his growing illegitimate son abandoning him: vanishing shapes, infinitely beguiling in bright colors, visible in the back of an open truck. "They're all cousins!" cries Mimi, running after them, insisting on a hope impossibly hard to maintain in jealous southern Italy, eventually giving up far behind and throwing himself down onto the sand. Lina Wertmuller has made a wonderfully funny sexual farce that becomes a cry for another scheme of things.



ORGANIZED murder for a political purpose, or one man's madness? Film after film now provides a bloody fantasy on the theme of an assassination conspiracy veiled for reasons muddled by the filmmakers' wish not to nourish any particular popular enmity. The latest is "The Parallax View," directed by Alan J. Pakula, with Warren Beatty, Hume Cronyn, William Daniels, and Paula Prentiss, about the inexplicable death of seven out of ten people who have witnessed the killing of a Presidential aspirant. The three witnesses remaining alive are the victims of chase, terror, and fear of the unknown. *Unknown?* We know very well, from the cautious tenor of the movie and its cat-and-mouse tactics, that the explanation is going to hover between the political-conspiracy theory that sprang into being about the killing of the Kennedy brothers, which is the methodological thesis, and the theory of the crazed lone wolf who bones up in libraries on the assassinations of previous public figures, which is the thesis preferred by the national school of thought that awards determinist power to the random and that honors singular acts of violence as an expression of the star-overnight principle of individualism.

The film is adapted from an excruciatingly poor and overwritten paperback that typically attributes the multiple crime to a convenient mixture of the arbitrary and psychotically angered and the conspiratorial and ideologically vaporous. Any political conspiracy is consistently denied in the film by distantly seen male investigators who are arranged like singers in the "Messiah." The movie seems to have a stake in putting the crime down to the numinous belief that the accidental carries transcendental overtones. It is a queer notion for a country so concretely envisioned.

The presiding motif of the foggy-headed plot is the Space Needle that was built as a symbol of the 1962 World's Fair in Seattle. In this film, it becomes the focus of a Fourth of July political parade. Drum majorettes contribute their street-child glamour. Politicians look professionally joyous; politicians' wives look professionally supportive; a TV news commentator (Paula Prentiss) with a fugitive fake charm that appears every time she moves the mike to her mouth is professionally feminine on the surface and hard as marching boots below. After the assassination, any need to understand the truth is made to seem a dwindled curiosity to peek, finally quashed by the edict of the oratorio row of investigators that the case is closed. No question is allowed of there being any defined political enemy. No Batista's Cuba or Castro's Cuba, no C.I.A., no hirelings of a rival party, no Russians or Chinese. The fallaciously titillating statement is merely that the arcane series of accidents is the work of "conspirators." Warren Beatty, who is capable of roles much more intelligent than his good looks might lead you to think, is cast in this evasive film as a newspaper reporter fighting his way to the heart of the timid secret.

The point of this sort of movie seems to be to arouse outrage without offending anyone. Here the conspiracy emanates from a secret brotherhood called the Parallax Society, which specializes in finding men of silent strength who won't crack under stress. Several films on this particular virility theme have been made lately, some more openly vapid than others; "Chosen Survivors," for one, has an unprejudiced selection of people—including a white woman biologist, a black medal-winning athlete, a white Army major, a white high-powered business executive, and, of course, a cynical novelist (white)—incarcerated in an underground complex while they imagine thermonuclear war to be imminent above. Who will crack up first?

The ability not to show strain is the rather uninteresting attribute shared by the men recruited into the Parallax Society. The ability seems to be born of a thought-free combination of an iron soul, a hermit's instinct, a prima donna's ego, and a knack of not whimpering. The story (screenplay by David Giler and Lorenzo Semple, Jr., based on a novel by Loren Singer) could well have a political viewpoint, or even a theological one, but its head is filled with wood shavings.

—PENELOPE GILLIATT

•

There seems a mystic magnet working when girls and horses together go galloping through the happy wanderings, the hapless turnings of a burning summer day. There seems a milder magic working when the day is spent and, bent beneath the sweet bridle of a well-earned fatigue, life leans toward the waters that rest and restore. On the beach at Palma Sola Bay, Peggy Biggerstaff (left) rides her "Sonny," while "Dusty" carries blonde Marlene Blanton. Humans hold the reins, but who is reigning? The girl-mind? The order, soft and kind? The supple power of a horse benign? Or does the water draw with a force far greater . . . or is the mood the thing?—*Photograph caption in the St. Petersburg Times.*

Could you restate the question?

•

Instead, he drifted between a witty iconoclasm and cheerful confessions words. I like words, like to riodically sighted through his camera, snagged Evans point or two, and admitted look at." But he mused: him were photographers who seemed to share his untellable fascination with links between matter, light, lens, film, paper, and eye. to feet. Of course, there's nothing in feet."—*Washington Post.*

There goes another icon.

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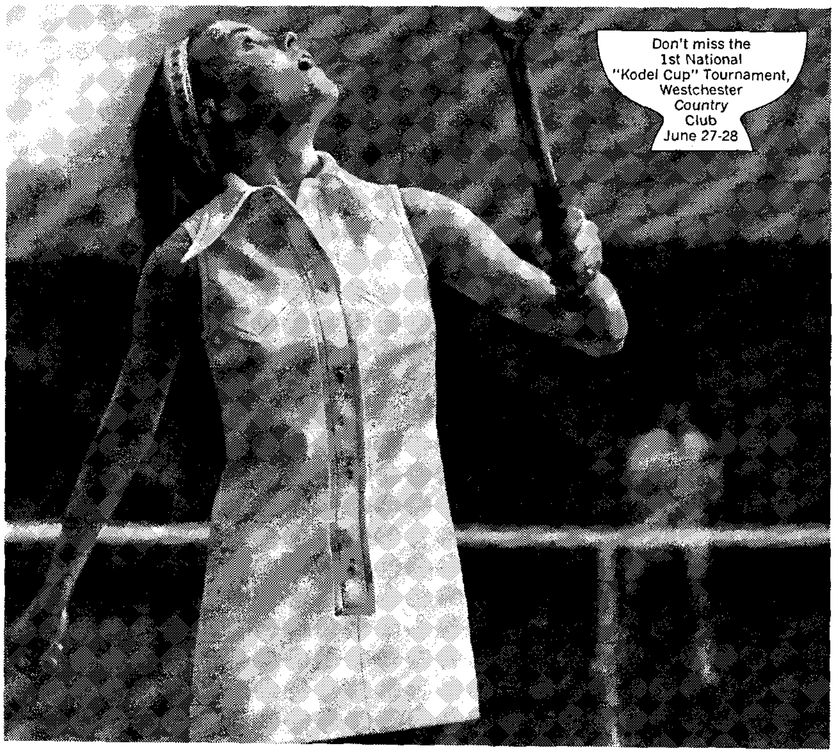
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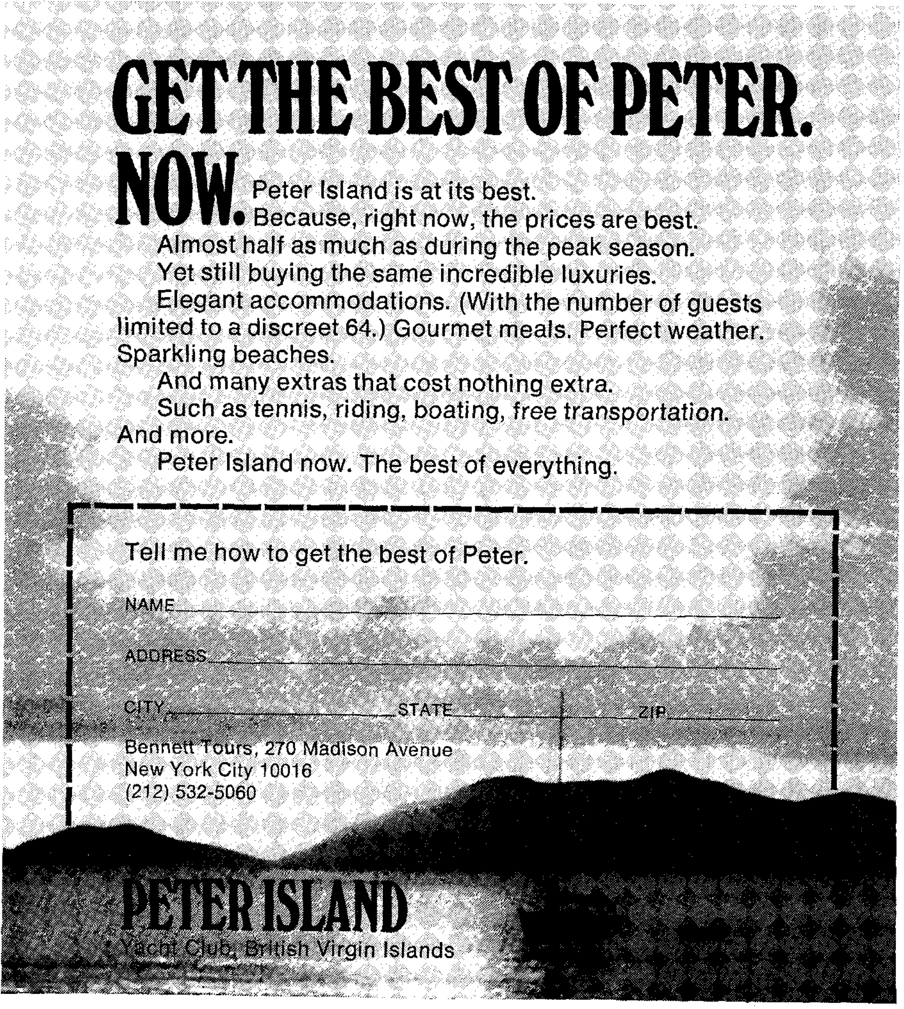
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# LETTER FROM WASHINGTON

JUNE 15

NOTHING is more revealing about the Nixon Administration's conduct of affairs than the fact that in its top ranks there is scarcely a professional politician to be found. In the President's personal makeup, of course, there are enough purely political instincts for a dozen men, and something of the sort may perhaps be said of his chosen successor to Spiro Agnew. Elsewhere, though, Nixon has drawn on professionals from other fields, some only vaguely connected with the positions they have occupied. It cannot be said of Henry Kissinger that his academic expertise was useless in most of his work as a diplomat, diplomacy being one of the few political areas where winning and losing elections is of no particular import. Even in this area, though, it helps to have some knowledge of how American politics works, and Kissinger, as Senator Aiken has pointed out rather vigorously, evidently lacks the toughness of hide required for his work. The late Dean Acheson was subject to infinitely more vilification than has been visited on Kissinger and, as far as is known, never gave a thought to resigning or to seeking public sympathy on that account. When he came under attack, his technique was to go about his work saying nothing, meanwhile displaying an *hauteur* unexcelled in his time.

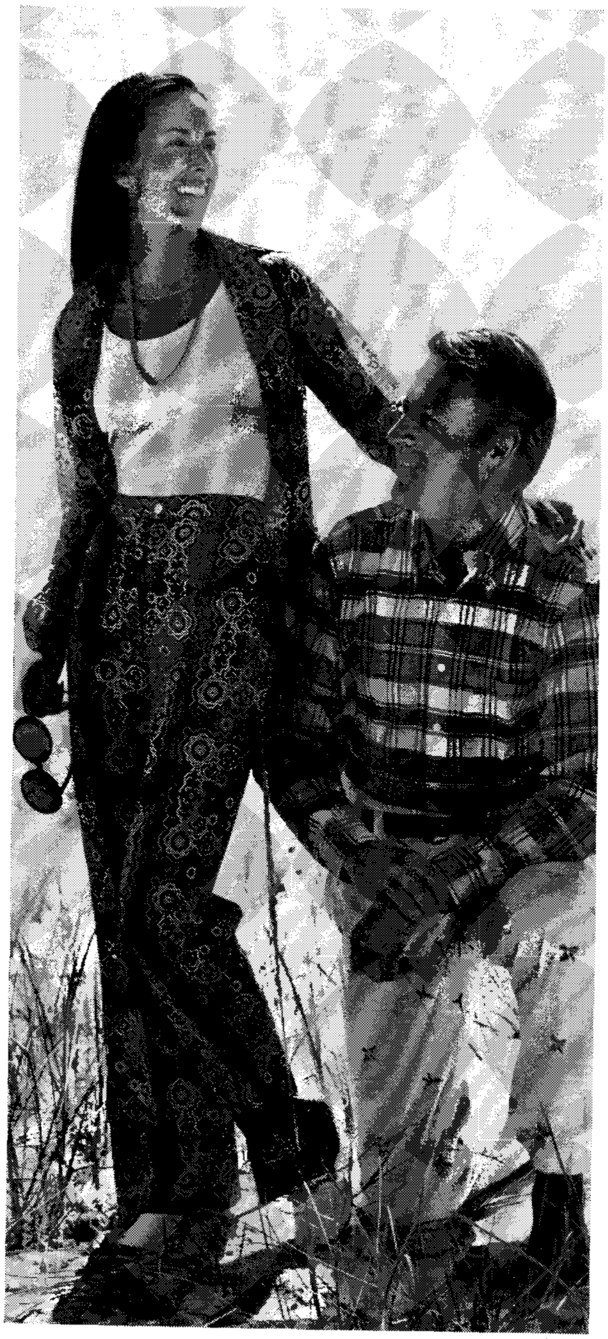
More, perhaps, will be revealed in the coming weeks if the Senate Foreign Relations Committee has another look at Kissinger's testimony preceding his confirmation as Secretary of State and compares what he said then with what he said later, but it has for some time been clear that he drew up a list of those people on his National Security Council staff who had access to material he wanted held in secrecy, and that—once he had been advised by the President, the Attorney General, and the director of the F.B.I. that wiretapping was an established and perfectly legal way to deal with such matters—he was almost compelled to infer that the people on his list would be put under surveillance. It also may well be that he had reason to think that he was under suspicion and surveillance himself and that the wiretaps would establish his innocence. Had he been a stout civil libertarian, he might have filed a personal dissent of some kind, but it is not a matter of record that he has ever had any great concern for civil liberties, and it might also have been somewhat out of place for a young diplomat to tell the highest legal authorities in the country which laws and usages he respected and which he did not. As a matter of fact, Secretaries of State are unlikely to be civil libertarians, and one can well imagine not only Dean Acheson but several of his successors and predecessors putting new technologies to work in behalf of the secrecy they wished to maintain. (One can think of only one Secretary of State in recent times who might have protested—Henry Stimson, in Hoover's Cabinet, who was against "intelligence gathering" because, as he said, "gentlemen don't read other gentlemen's mail.")

What is rather surprising about Kissinger's behavior, though, is that he made his threats and disclosures in a foreign country just as he and the President were setting out on a tour in the hope of strengthening some rather fragile but nonetheless valuable agreements that this country, represented by him, had played a significant part in arranging. If Kissinger felt the need to bring the matter up, as evidently he did, he could have done so before or after the Middle East trip and the visit to the Soviet Union. In speaking out at the beginning of these journeys, he is

*"Something tells me that new kid is going straight to the top."*

bound to create in some minds the fear that he and the President are about to be unhorsed at home—one by forced resignation, the other by the impeachment process. Most Americans are doubtless agreed that the two men now carry the authority of the country with them, but our way of political life is a strange and widely misunderstood one in many parts of the world, and suspicions may well be aroused by last week's turn of events in Austria. Those here who know Kissinger well credit his outburst to the exhaustion caused by his labors of the last six weeks, and also to the pique he must have felt when, at his first press conference back in Washington, he was asked not for details of his triumphs abroad but whether he had engaged counsel to defend him against perjury charges.

IN recent weeks, there was considerable apprehension here over the plan for the President and the Secretary of State to tour several of the large centers of population in the Middle East. Many people, perhaps a majority, in that part of the world may be grateful for their efforts at peacemaking and political settlements, but others are far from pleased, among them many zealots skilled in guerrilla tactics, who would gladly risk their own lives if they could rid the world of Nixon or Kissinger or both. As the Secret Service men well know, there can be nothing like complete security if these two men insist on riding in open cars on crowded thoroughfares. But they appear to have got through Egypt, Saudi Arabia, and Syria without incident, and this bodes well for the rest of the journey. For some time now, observers here have been wondering not only about what security arrangements were being made but also about what sort of *quid pro quo* the Administration was offering the adversary powers in exchange for the cessation of hostilities. In Egypt, the President seems to have provided the answer, which almost anyone should have been able to guess in advance: some fancy bit of American technology. He will sell Egypt equipment to provide it with nuclear power—strictly for "peaceful purposes," of course—and will supply American technicians to offer instruction in assembling and using the machinery. Similar benefactions may be bestowed upon the other Arab governments, and probably on Israel, which suffers not so much from technological lag as from the need for revenues to be spent on defensive armaments and the need for support from other democracies. (Asked



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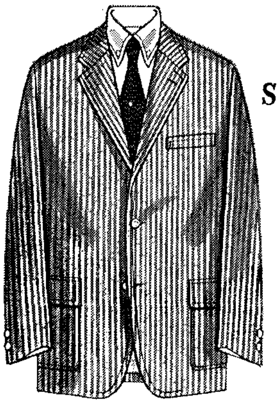

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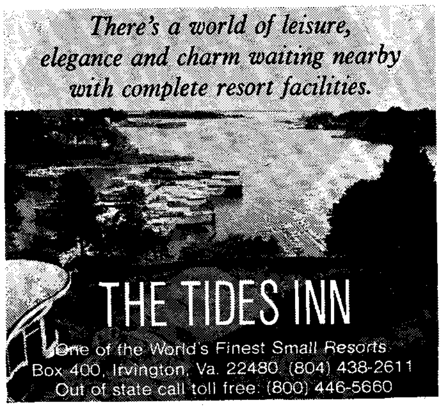

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this week whether he now trusted the Egyptians to keep their word, General Moshe Dayan said that what concerned him more was the reliability of the United States.) This is a good question, for it is pretty much a certainty that if new hostilities should break out we could be counted on only for matériel and a certain amount of good will. We would not intervene, because American opinion, as understood here, will tolerate intervention no longer—at least when the combat zone is so remote. Moreover, there may be limits to American tolerance of subsidizing Israel's enemies in order to preserve Israel's existence and the present cease-fire arrangements. Saudi Arabia, which has been on relatively good terms with us for several years, already has a military and economic pact—consummated on June 8th—and its terms may now be somewhat sweetened. Syria, it has been announced, will be rewarded with a resumption of diplomatic and economic ties, which were severed during the 1967 war.

However, as far as is known, we have little to offer in the way of acceptable solutions for the problems posed by the Palestinian Arabs, whose misfortunes, according to the leaders of the established Arab states, must be redressed by recognizing Palestinian "rights," by which is meant "sovereignty" and the right to a nation-state of their own—preferably, in many Arab minds, inside the borders of Israel. The United States recognizes the Palestinian problems, but in its diplomatic rhetoric it will not go as far as to use the term "rights," which would imply acknowledgment of the claim to particular territory. Instead, we use the term "interests," which is really a way of telling the other Arabs that the problem, as the result of the frequently inequitable workings of history, is essentially theirs and only secondarily that of other nations. The unspoken implication is that there is plenty of room elsewhere in the Middle East to carve out a section of land and deed it to the Palestinians to inhabit and govern. None of this satisfies anyone but the Israelis, only a small minority of whom sympathize with the Palestinians. But we cannot advance this solution as a workable one, since it would surely antagonize those whose favor Henry Kissinger has been soliciting and who are themselves in considerable fear of the wrath of the Palestinians. The question will undoubtedly arise at the coming political talks in Geneva, where Palestinian Arabs will be in attendance, but it is almost beyond imagining that it will be settled there. (It might be solved if we could form a united front with the Soviet Union—few small powers would invite the hostility of both superpowers—but such an alliance is at this stage hardly worth contemplating.) When it becomes clear that no mutually acceptable solution is likely to emerge soon, the next difficulty will be the Arabs' demand that Israel withdraw from every inch of territory she did not hold before the war of 1967. Israel maintains that this is unacceptable, but is expected to be somewhat less inflexible than the Palestinian Arabs and to insist on retaining only those territories essential to her security, yielding acreage only in exchange for a similar amount yielded by others, and either retaining sole control of Jerusalem or letting control of the city pass to some international authority that would guarantee access to anyone (Israelis, of course, included) seeking it. At the moment, Geneva looks like a rather hopeless proposition, for the Arabs evidently intend to compromise on nothing and the Israelis on only a few matters unacceptable to the Arabs. It may, however, lead to an agreement, perhaps unspoken and unrecorded, not to seek solutions by violence. The Palestinian Arabs would not be party to this, for neither we nor the Israelis recognize their legitimacy, and they will probably continue as marauders. But it may be that in an informal atmosphere of restraint the governments that play host to them would exercise a tighter control over them.

It has for some time been felt here that the President was making this trip to regain some of the ground he has lost as a result of Watergate. His only part in what is thought to have been accomplished was in appointing Henry Kissinger in the first place and in giving him a free hand. Some observers are inclined to doubt that Kissinger deserves much credit either, except for being around at a time when most of these developments would have

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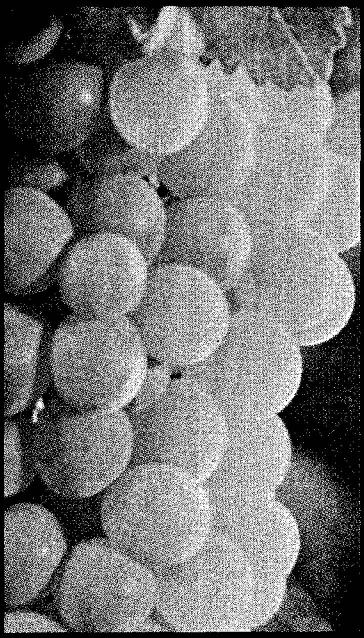

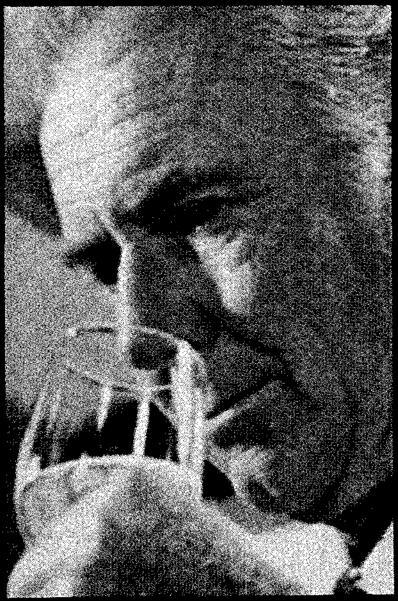

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taken place regardless of who was in office; others doubt very much that they will last more than a short while after the distribution of American benefactions. There are, in fact, some who believe that Kissinger's world will come apart at the seams in the near future. For the time being, the majority of Americans appear to think that he, as the President's agent, brought peace to Indo-China. They find the evidence for this in the return of American troops from Vietnam. This is welcome to Americans and, one supposes, to much of Southeast Asia. But it is not peace that Kissinger established but only an American troop withdrawal, and it seems as likely as ever that in time the entire region will be governed from Hanoi—which may be something less than a disaster but will in any case be the very opposite of what Kissinger and Nixon promised. Since politicians seldom do anything publicly that will not, as they see it, maintain or improve their standing with their constituents, the chances are that this attitude, rather than any hope of further diplomatic gain—except, perhaps, in his conferences in the Soviet Union—led Nixon to undertake his expeditions abroad. His trip to the Middle East probably has improved his standing somewhat, for it gave him a week in which he could appear as a benevolent statesman rather than as a potential defendant in criminal proceedings. In much of the American press, he appeared as both, though the larger headlines were devoted to his adventures abroad. It was an awareness of this aspect of the affair that led to so much astonishment here when Henry Kissinger, at the very start of the journey, drew attention away from the President and toward himself in his fiery statement denouncing the press and certain American politicians for what he seemed to regard as a cynical attempt to link him with those who have admitted or have been convicted of unauthorized wiretapping. Reconsideration, though, led others to think that his outburst in Salzburg, whether calculated or not, may have somewhat strengthened the President's position, by stressing once more the "national security" aspect of the Administration's case, and by putting the President in slightly more elevated company than he has been linked with in recent months.

In the long run, though, Nixon will be neither convicted nor exonerated by public-relations strategies. Few here say with any assurance that he will or will not muster the thirty-four Senate votes needed to spare him conviction, and although most people who have been attempting to keep score are fairly confident that the House Judiciary Committee will recommend impeachment and that the House as a whole will accept the committee's recommendation, there remain some who doubt that even this is a sure thing. Most House and Senate members will strike some balance between their own beliefs and those of their constituents and will vote on the basis of what the balance suggests. In nearly all cases, probably, the legislators have made up their minds, but this would not prevent them from voting against their private convictions if in the period immediately ahead Nixon should recover by restoring the health of the economy—or at least by taking some vigorous steps pointing unmistakably in the direction of price stabilization and reduced unemployment. He can never wholly expunge the stains of Watergate from his record, but the stains of Watergate could be reduced in political importance if he eliminated some of the fears and misgivings about the state of the economy and the value of the currency. The difficulty here is that he does not have the remainder of his term in which to make a comeback but only, in all probability, the few months remaining before the congressional elections in November. As things look now, there will be much larger Democratic majorities in both houses of the next Congress, which should mean that the legislation it sponsors will be veto-proof. Were that to be the case, the President would probably be sparing in his use of the veto, but any improvements that might be forthcoming would be, or would seem to be, the fruits of Democratic initiative and reluctant Presidential acquiescence. Despite the reality or illusion of recent Administration diplomatic successes, it would take a great deal of Presidential luck (and probably some Democratic fumbling, too) for the President to regain much of the ground he has been steadily losing in the last year. The prospect seems remote.

—RICHARD H. ROVERE

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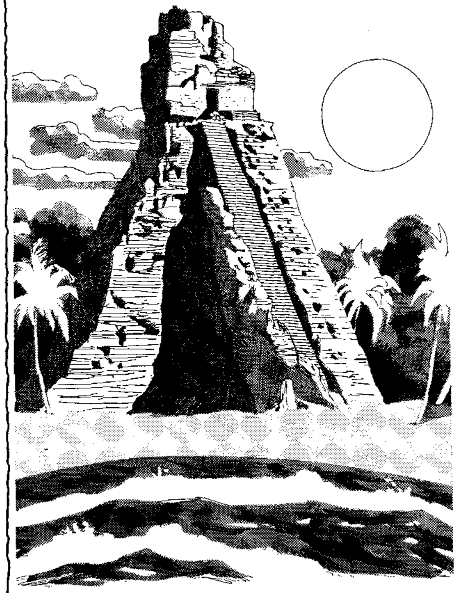

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# MUSICAL EVENTS

## *Opening Doors*

THE list of major twentieth-century European composers whose works have never been performed at the Metropolitan Opera is a distinguished one, headed by such names as Schoenberg, Hindemith, Busoni, Pfitzner, Weill, Prokofieff, Shostakovich, Milhaud, Poulenc, and Dallapiccola. If a comparable list of American names does not spring as readily to mind, it is not because the Met has done any better by native composers. Rather, not many Americans have been unrealistic enough to expect that labors in the vineyard of grand opera will be accorded even the slightest recognition by our few institutions equipped to perform such works adequately. (The fate of Roger Sessions' "Montezuma," an opera conceived and executed on the grandest scale, is sufficiently admonitory; it has to date been played only in Berlin.) As a result, the Metropolitan's audience is about fifty years behind the times—roughly where the Philharmonic's public was twenty-five years ago, before Mitropoulos, Bernstein, and Boulez began the modernizing effort that is finally beginning to bear fruit at Avery Fisher Hall.

Whether a similar effort could be effective on the Metropolitan front is problematic; we will never know unless it is tried, and tried with imagination, taste, and conviction. The smallest possible down payment on such an undertaking was made last week, when the name of Béla Bartók was removed from the Met's dishonor roll. "Bluebeard's Castle," Bartók's only opera, is hardly an example of blazing modernism, for its greatest aesthetic debt is to Debussy's "Pelléas et Mélisande." Indeed, its pairing on a double bill with Puccini's "Gianni Schicchi" is not a little ironic, for the two operas were both unveiled in 1918—Puccini's, in fact, at the Metropolitan, where it has remained on the fringes of the repertory ever since. The economic motives for the choice of "Bluebeard" are no secret; a two-character, no-chorus, one-set opera is practically irresistible to an impoverished management, especially because double bills, with a double complement of star singers, can be quite expensive indeed. (Puccini wrote "Gianni Schicchi" as part of a triple bill, which started its career with a lament from Gatti-Casazza, then manager of the Met, about paying three prima donnas for one evening.) Still, those of us who hope that opera has a future as well as a past are grateful for any effort, however small, at narrowing the chronological and stylistic gap between the two.

Like "Pelléas," "Bluebeard" has one of those stories that leave the audience wondering "What does it all mean?"—even when sung, as on this occasion, in the vernacular. This particular Bluebeard—not, we discover, the sadistic figure of traditional legend—brings his new wife, Judith, home to his cold and windowless castle. There she finds seven locked doors, and begs for the keys, so that she may let in light and air. He reluctantly yields, and the first five doors reveal Bluebeard's torture chamber, his armory, his treasure room, his secret garden, and his vast and beautiful domains—all of them impressive to Judith, although on closer inspection she perceives each to be stained with blood. The castle is now brightly lit, and Bluebeard warns Judith to go no further, but she persists. Behind the sixth door is a silent lake of tears. Finally, when Bluebeard refuses to answer her insistent questions about his previous loves, she opens the last door, from which emerge his three former wives, richly garbed and very much alive. Judith must now join them—the wife of night joining those of morning,

"Gentlemen, please! Let's move on to substantive issues."

noon, and evening—and Bluebeard is alone again, in darkness, for the doors have gradually closed.

The story is decidedly gnomic, yet it radiates numerous resonances, both psychological and social. The Metropolitan's production, staged by Bodo Igesz and designed by David Reppa, does not leave well enough alone, however; we are shown not the specific symbols of Béla Balázs's libretto but one particular interpretation thereof. The first door reveals prison photographs, the second scenes of modern warfare. In the treasure chamber are petroleum storage tanks (you can't get more up-to-date than that). The ducal domains turn out to be the whole earth, viewed from an astronaut's vantage point. The lake of tears is a sea of human faces. Bluebeard, evidently, is supposed to represent "modern man," and all those *Life*-style photos are supposed to make the story "universal." To the contrary, they impinge mightily on the libretto's genuine multiplicity of reference; while hearing—subject to the omnipresent problems of textual audibility—about one order of imagery, we are seeing another (and not always construing that one correctly, for the projected images are often fuzzy and hard to read). They do not intersect comfortably.

Furthermore, there is in the opera as conceived by Balázs and Bartók a potent interplay of light and color with sound. The seven doors constitute an admirably clear structural framework for music: seven "set pieces" in which Bartók draws upon his considerable mastery of the orchestra to color the visual images with shiverings in the woodwinds, delicate trills on harp and celesta, and, for the spacious radiance of Bluebeard's dukedom, a massive fortissimo chorale in the full orchestra, reinforced by the organ. This shining climax should be matched by the brightest visual moment, after which the earlier doors gradually close and the music eventually returns to the sombre ruminations of the opening measures. To abjure this dramatic interplay of light and sound across the arch of the opera's sonic shape is to weaken fatally both structure and impact.

And with light there should be color: blood red for the torture chamber, yellowish red for the armory, golden for the treasure room—all unexpressed by the Metropolitan production's black-and-white Movietone images. Only when the sombre blue of the astronaut photos gives way to a reddish mushroom cloud do the colors for once parallel Bartók's music—the potent dissonance

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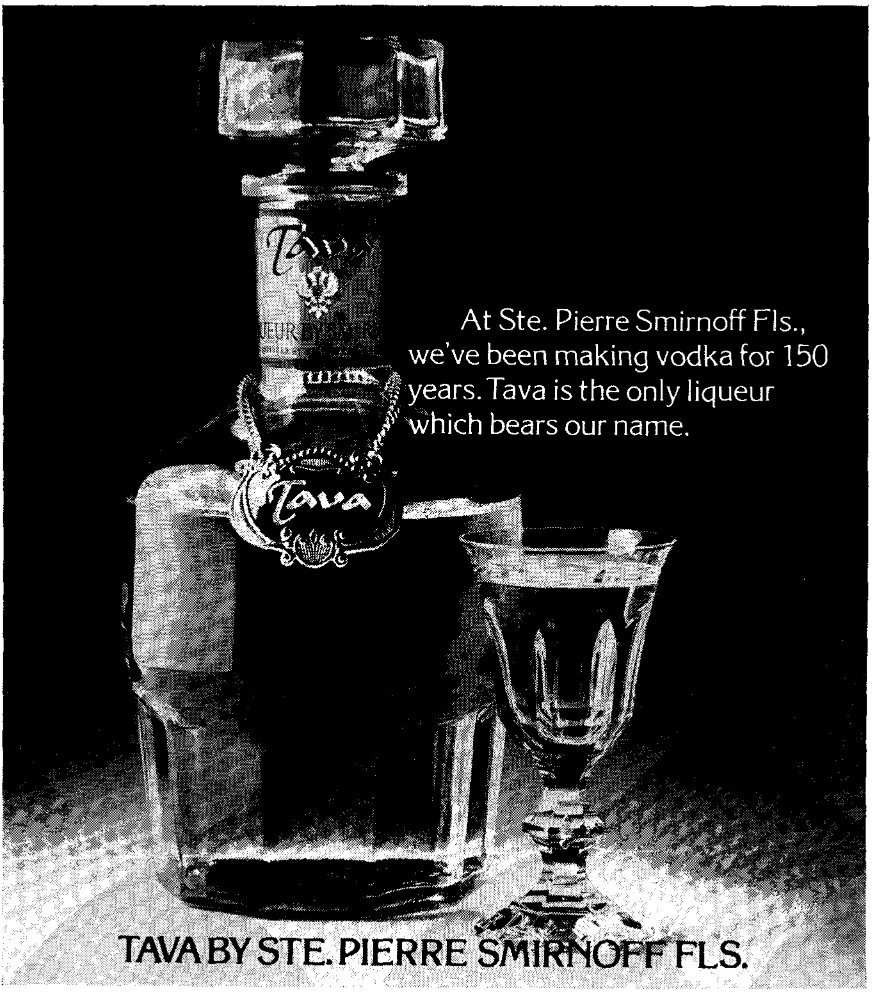

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of the minor second that permeates the texture of each episode when Judith discovers, behind the beauty, traces of blood. In some contexts, stage directions can be dismissed as of minor importance—but Bartók set these stage directions to music. Ignoring them is very much like playing wrong notes.

There were not many wrong notes in the musical performance, although one listened in vain for the kind of rhythmic tension and tonal splendor that marked last month's concert performance of the opera by Georg Solti and the Chicago Symphony Orchestra at Carnegie Hall. Shirley Verrett is a potent voice for Judith, although the sinuous *plastique* she espoused rather underlined the prevalent visual stasis. While more sonorous Bluebeards than David Ward are not hard to imagine, he coped well with the problem of projecting the words—a considerable task, for the accent pattern of the Hungarian language, which lacks an anacrusis, inevitably forces upon the English translator all manner of unnatural word orders, confounding expectation and thus our ability to fill in some of what we are missing. Trochaic tetrameter may be an accepted necessity in Hungarian, but over the length of an hour English prosody without any upbeats achieves a certain monotony that all of Chester Kallman's skill as a translator could not alleviate. (The standard translator's dodge of adding extra notes in the vocal parts will not work here, because Bartók's melodic lines—instrumental and vocal—are of a piece; a grating stylistic incongruity would result.) Soltian intensity is not one of the resources of Sixten Ehrling, the conductor, but we may hope that by next season, when this double bill is scheduled for many performances, the orchestra will be more at home with the score.

A FEW words about "Gianni Schicchi," Puccini's least pretentious, most economical opera, and a sincere tribute to the comic mastery of Verdi's "Falstaff." It is staged (by Fabrizio Melano), conducted (by Ehrling), and sung (by nearly everyone in the large cast except the lovely Judith Blegen) about as broadly as the imagination can conceive. In between what appear to be episodes in a film entitled "Abbott and Costello Meet Franco Zeffirelli," Puccini is occasionally allowed to make his points; here, too, additional rehearsal may polish the rough edges of ensemble, but it is probably too much to hope that some of

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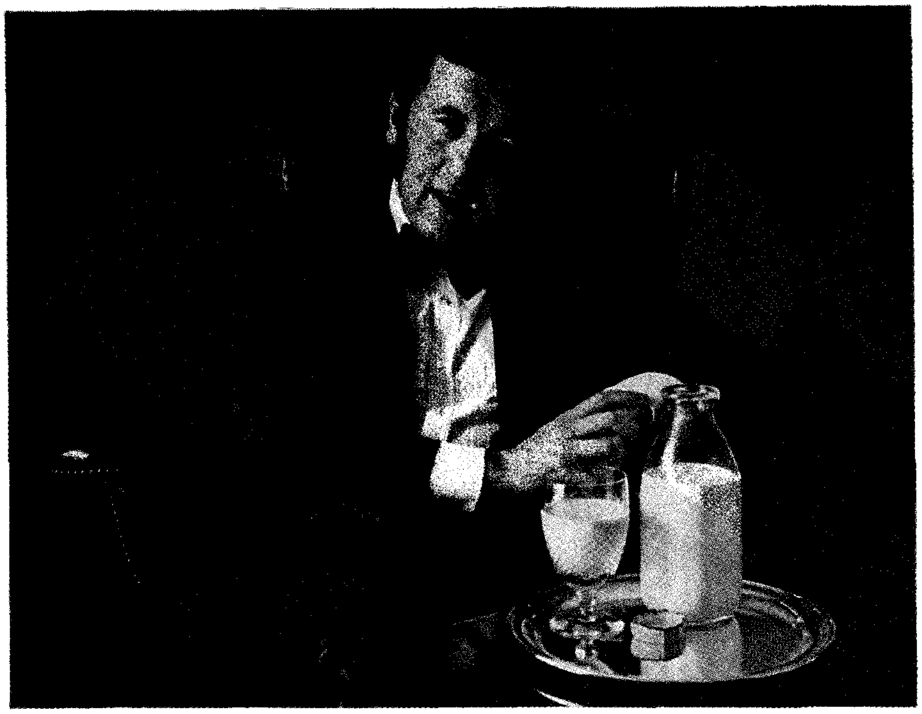
BY DAVID FROST



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Covent Garden where with admirable town planning opera singers and tomatoes are placed side by side...

The house in Grays Inn where Charles Dickens wrote Little Dorrit and the house in Old Compton Street where Little Dorrit wrote him back again...not to mention the memorials to King Henry the Eighth, the original host of Queen for a Day, and to Anne Boleyn, the first English Queen to go topless.

And so to Westminster Abbey where the famous men of Britain's past lie buried, and the Houses of Parliament where the famous men of Britain's present lie buried.

And then there's the food.

Sometimes, when people say that English cooking is some of the best there is, they mean that London has some of the best French, Italian and Chinese restaurants in the world...but that's not altogether fair.

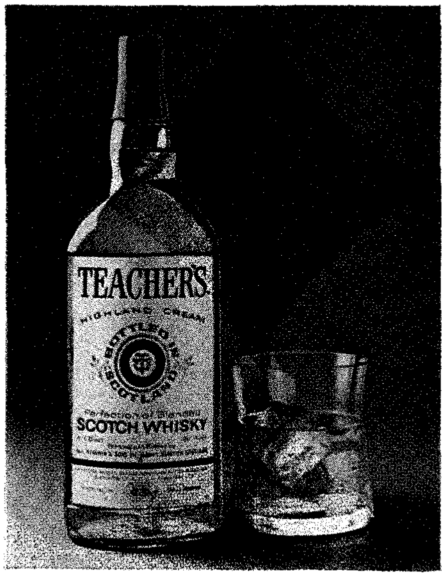
Nevertheless, food in London can be an unforgettable experience. It's difficult to pick the number one restaurant but, if any three from Keats, Le Gavroche, Le Coq d'Or, Chez Solange, Parkes, Carrier's and the Connaught Hotel figure somewhere on your list, you will have eaten better than anywhere else in Europe.

Europe, incidentally, is not a subject you will find on everybody's lips in London.

The Market as such remains decidedly Common; 'Europe' is still by definition a place that does not include England; and Hell to an Englishman is still a place where the Germans are the police, the Swedish are the comedians, the Italians are the defense force, Frenchmen dig the roads, the Belgians are the pop singers, the Spanish run the railways, the Turks cook the food, the Irish are the waiters, the Greeks run the government, and the common language is Dutch.

The number one exclusive store in London is still a title shared by Aspreys and Harrods—though it's no longer true that you can walk into Harrods and buy an elephant...you can walk in and *order* an elephant—the number one tailor is Dough Hayward, the number one department store is Marks and Spencer, the number one clubs are Annabel's and the White Elephant, and, whichever statistics you look at, the number one Scotch is Teacher's.

And how's that for a happy ending?



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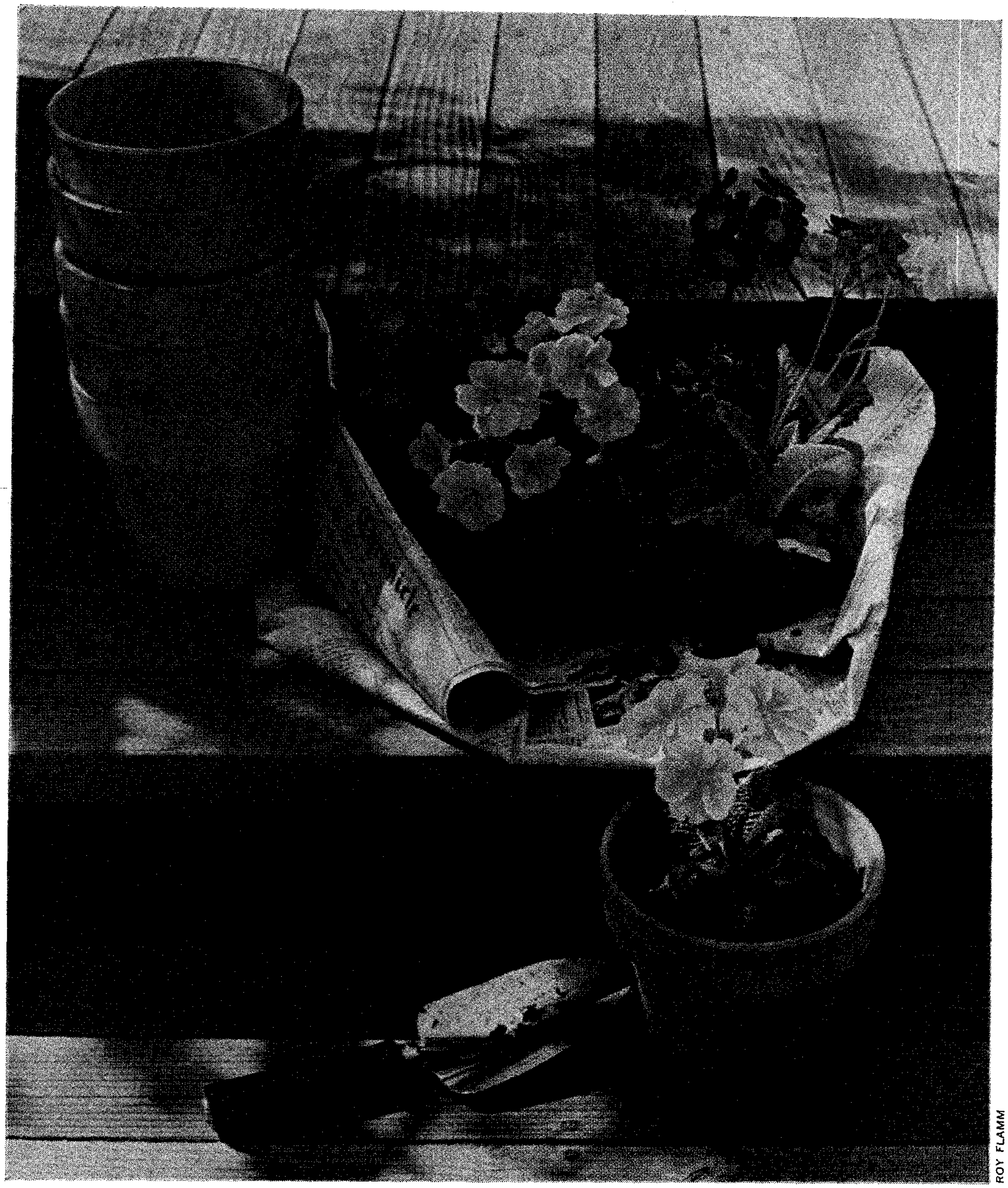

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*The Virginia Declaration of Rights*

San Francisco Chronicle

these singers will develop resources to distill humor from character rather than from pell-mell activity.

—DAVID HAMILTON

## ROCK, ETC.

### *Women's Music*

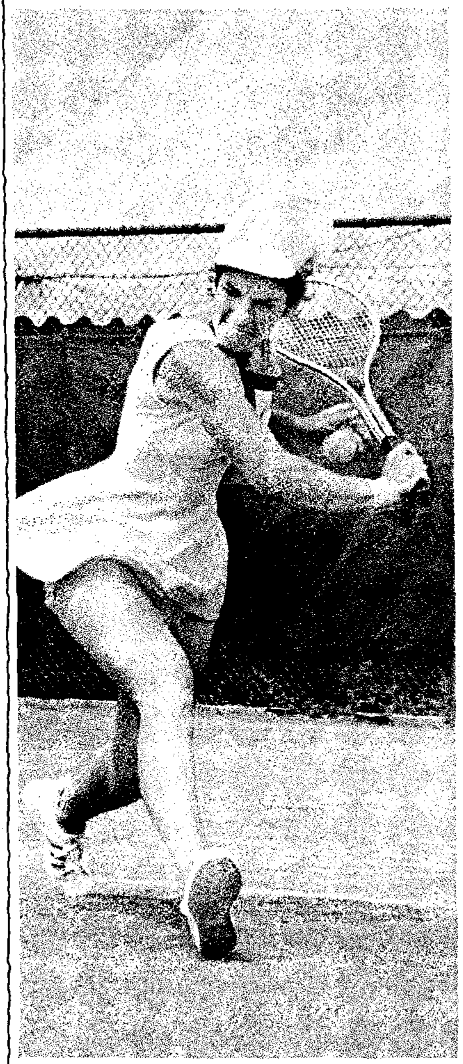
LAST fall, a singer-songwriter-guitarist named Kristin Lems enrolled as a graduate student at the University of Illinois in Champaign-Urbana. Eager to get in touch with other women musicians, she put an ad in the local paper, and eight women answered. They began getting together, playing and singing, helping each other develop. When a campus coffeehouse sponsored a folk-music festival that included not a single female performer, Lems and her friends organized a folk festival for women. It drew an enthusiastic crowd, and the women began to think bigger. Why not a national festival, where women involved in all areas of music—not just folk—could come together and perform for each other, exchange experiences, discuss how to combat discrimination against female musicians? A festival committee coalesced and began making plans for the first National Women's Music Festival, to be held on campus from May 28th to June 2nd.

The scope of the project was soon narrowed to nonclassical music, but in other respects it became more and more ambitious. The committee announced that a number of name performers—including Fanny, Yoko Ono, Labelle, and Janis Ian—had agreed to appear without pay except for expenses. I heard that C.B.S.-TV was going to send a camera crew, and that *Time* was doing a picture story. When I first learned about the festival, it occurred to me to wonder if the organizers, most of whom were undergraduates, knew what they were getting into. As it turned out, my doubts were neither unfounded nor particularly relevant. It would be frivolously hyperbolic to call the festival a women's Woodstock, but there were certain parallels: just about everything that could go wrong did, and almost everybody had a good time anyway.

The festival committee's first big headache was the university, which seemed unaccountably hostile. The administration was stingy with space for concerts, workshops, and jams, refused the committee permission to sell tickets to individual events (registration for the entire festival cost ten dollars), and at the last minute almost called the whole thing off, apparently on the rather laughable ground that it was a commercial enterprise. It didn't help that the festival was held a week after most students had left the campus for the summer. But the most conspicuous foul-up arose from the defection of the festival's one paid employee, a Chicago booking agent. It was this woman who had got, or claimed to have got, commitments from the celebrities advertised in the festival's publicity. When she disappeared, on the second night of the festival, the organizers, who, in their naïveté, had not even bothered to keep a list of the heavies' phone numbers, had no way of reaching them. None of them showed up.

Under most circumstances I can think of, such a blunder would have created a major crisis. But feminists tend to disdain star worship, and the main response to the drastic change of program was "Who needs them, anyway?" By the time everyone realized what was happening, the festival had jelled. There was no shortage of talent—many of the performers, who had been recruited from both coasts as well as the Midwest, had solid home-town reputations, especially in women's-movement circles—and people were excited by what they were hearing. The workshops were generating a lot of discussion about the prospects for women's music and, beyond that, for a revolutionary female culture. New friendships and musical alliances were being formed. In short, the festival was a grass-roots success, and in view of the modest attendance—and correspondingly modest revenue—it was probably just as well that the committee did not have to cope with huge transportation bills and demanding egos.

My own reaction was mixed. I didn't especially miss Fanny, but I did miss rock and roll. Rock is, among other things, a potent means of expressing the active emotions—anger, aggression, lust, the joy of physical exertion—that feed all freedom movements, and it is no accident that women musicians have been denied access to this powerful musical language. I think it's crucially important for female performers to break that barrier and force rock to reflect their experience and aspirations. But though the burgeoning of local female rock bands has been one of the more interesting developments in women's music, there was virtually no electric music at the festival. The only rock act actually to perform onstage was Carla Peyton, an excellent black R. & B. singer from Champaign, and her lacklustre white



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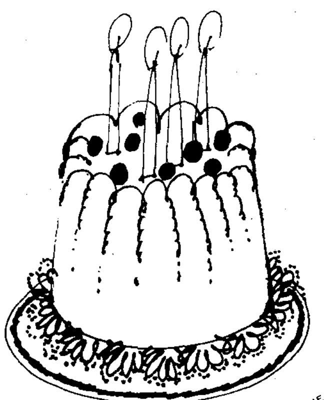

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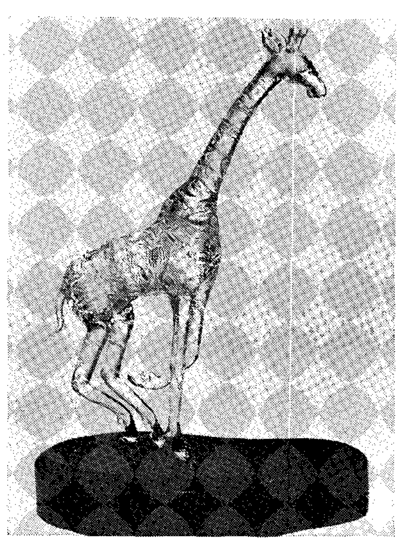
male band, the Coal Kitchen. After a wearying hassle over space and equipment, there was a rock jam, organized by Susan Abod, of the defunct Chicago Women's Liberation Rock Band, and her sister Jennifer, who is in the process of re-forming the New Haven Women's Liberation Rock Band. (It needs a bass player.) Artemis, a newly formed electric group from Ann Arbor, led another jam. Individual rock and jazz musicians wandered around seeking each other out. But the vast majority of performers were working in the two forms traditionally available to women: folk music and straight pop.

On the whole, I felt that the folk music was more effective, if only because folk is a natural medium for a communal gathering—simple enough to encourage participation, informal enough to blur the distinction between amateurs and professionals, and, of course, the traditional vehicle for political sentiments. Many of the folk performers contributed topical songs about women's experiences, old folk ballads about women workers, songs that explicitly or implicitly linked the women's movement with other radical struggles. Though the propaganda occasionally got heavy-handed, I was happy to note that folksingers have learned a lot since 1963: most of the political songs were *graphic and personal, and* some were very funny. My favorite in the latter category was "The Bloods," a song about menstruation which has got to become a feminist classic. The band that performed it, the Clinch Mountain Back-Steppers (the music they played sounded exactly like their name), was the best folk act at the festival, largely because of the zany warmth of lead singer Woody Simmons and the spirited fiddle playing of Robin Flower. I also enjoyed Redwing, a radical band from Milwaukee; Jo Mapes, a veteran Chicago folksinger, who performed witty, original songs about her work and her sexuality (as well as one awful saga-of-suburbia that hit every cliché, including the bored wife seducing the delivery boy); and Kristin Lems, a charmer in the most literal and least artificial sense of the word, who livened up the down-homey proceedings by wearing a shiny multicolored gown, delivered some nice feminist lyrics, and (with her sister Karen) did a moving version of "George Jackson." Barbara Dane, the best-known folkie on the program, displayed an unfortunate tropism for ideological anthems ("The masses, the masses only, are the makers of our history") devoid of redeeming aesthetic



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value, but she did sing one song I really liked—a foot-stomper called "Insubordination." I couldn't help thinking it would have been even better with a rock band behind it.

The pop singers were at once more sophisticated and less interesting. I was impressed by their skill but disturbed by what I saw as their essential conservatism: in spite of their jeans and rock-influenced rhythms, their music was basically night-club stuff—romantic, "feminine," nonthreatening, a cross between Laura Nyro and Melissa Manchester, with maybe a little Joni Mitchell for spice. The best of them, a Los Angeles-based singer, composer, and pianist named Margi Adam, was as talented an exponent of the genre as I've seen anywhere. Her songs were well crafted; her voice was expressive, her piano original, her personality appealing. The festival participants loved her. And yet her music didn't turn me on; on the contrary, it left me with a traitorous itch to sneak off and listen to "Satisfaction."

This year's festival was only a beginning; Lems and her cohorts are planning to make it an annual event. The idea is a good one, and with time and practice the reality should become more various, less insular. I hope the rock bands come next year, and I hope the stars do, too—not because they are necessary to justify the festival's existence but because I think that women who have chosen to deal with the aesthetic and commercial pressures of the mass media have a valuable perspective to offer. Before we can even begin to create a new culture, we need to understand the one we've got.

—ELLEN WILLIS

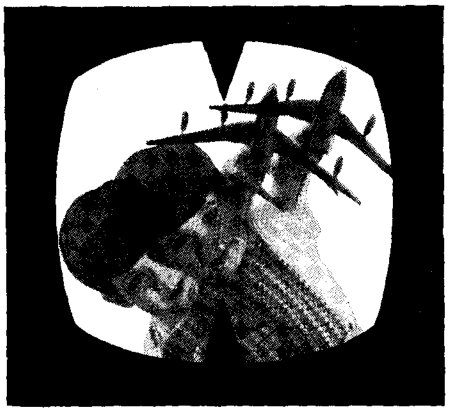
• •

## THE HANDBALL PLAYERS AT BRIGHTON BEACH

And then the blue world daring onward
discovers them, the indigenes, aging,
oiled, and bronzing sons of immigrants,
the handball players of the new world
on Brooklyn's bright eroding shore
who yawp, who quarrel, who shove,
who shout themselves hoarse, don't
get out of the way, grab for odds,
hustle a handicap, all crust,
all bluster, all con and gusto all
on show, tumultuous, blaring,
grunting as they lunge. True,
their manners lack grandeur, and
yes, elsewhere under the sun, legs
are less bowed, bellies are less
potted, pates less bald or blanched,
backs less burned, less hairy.
So?
So what!, the sun does not snub,
does not overlook them, shines,

and the fair day flares,
the blue universe booms and blooms,
the sea-space, the summer high, focuses
its great unclouded scope in ecstatic
perspection—and you see it too
at the edge of the crowd, edge of the sea,
between multitudes and immensity:
from gray cement ballcourts under
the borough's sycamores' golden boughs,
against the odds in pure speculation,
Brighton's handball heroes leap up half
a step toward Heaven in burgundy, blue,
or buttercup bathing trunks, in black
sneakers still stylish after forty years,
in pigskin gloves buckled at the wrist
to keep the ball alive, the sun up,
the eye open, the air ardent,
festive, clear, crowded with delight.

—IRVING FELDMAN



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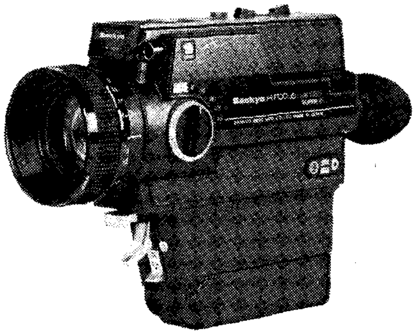

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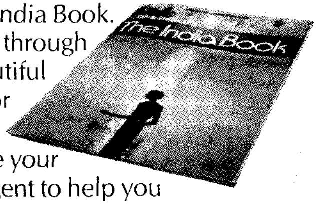

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# THE RACE TRACK

## *Horses on the Grass*

THE Bowling Green Handicap, at a mile and a half over the turf course at Belmont Park, is not one of the five-star events of the season on Long Island, but it's a test and prep for the more important races to come, leading, perhaps, to a trip to Paris for the Prix de l'Arc de Triomphe in October. So its renewal last Saturday brought out half a dozen stakes winners, and was exciting from start to finish. Mrs. Ada Rice's Take Off, the favorite on the strength of his smart performance in the recent Edgemere Handicap, won by half a length from Hobeau Farm's Garland of Roses. William Haggin Perry's Astray, who'd come from California with victories in the San Luis Obispo, the San Luis Rey, and the San Juan Capistrano to his credit, was third, a length away. Confidently handled by Turcotte, Take Off was never far behind the pace, which was set first by Anono and later by Garland of Roses—the only lady horse in the race, ridden, appropriately, by Miss Robyn Smith. Both made a good try, but Take Off wore them down in a head-and-head drive to the wire. Take Off, as you probably know, is a five-year-old bay by Sky High II out of Special Style, and is trained by Frankie Catrone, who used to ride, along with Laverne Fator and Earl Sande, for the Rancocas Stable. Looking at Catrone now, you'd never believe he once weighed in at a hundred pounds.

I THOUGHT the most interesting item at Belmont Park last week was the Fashion Stakes, for two-year-old fillies at five and a half furlongs. It was first run in 1897. Only six came out for it this year, but three of them had been unbeaten so far this season, and another was a stakes winner. Not only was it a good show but it also gave the crowd of sixteen thousand another look at Ruffian, who horsemen say is the fastest thing on racing plates they've seen in many a day. At Belmont three weeks before, she had won her first start by fifteen lengths in 1:03, equalling the track record for the distance, and in her last workout for the Fashion, the morning before the race, she had the clockers comparing watches and shaking their heads in disbelief, for she breezed the first quarter of a mile in 0:21⅗, three furlongs in 0:33, and eased up at the half-mile pole in 0:45⅗.

In the Fashion itself, Ruffian quickly took the lead from Copernica, easily withstood her challenge at the head of the stretch, and went on to win by nearly seven lengths. Jan Verzal was third, almost twenty lengths behind the winner. Again Ruffian's time was 1:03; she did the quarter in 0:22⅖, the half in 0:45⅕, and five furlongs in 0:57. Copernica, the first get of the famous Nijinsky to come to the races in this country, is something of a runner herself, but she was no match for Ruffian. Owned by Mr. and Mrs. Stuart Janney, Jr., Marylanders who race the Locust Hill Farm horses, Ruffian is a big, powerfully built dark bay by Reviewer out of Shenanigans, by Native Dancer. She has a lot of quality, and her galloping is a delight to watch. Trained by Frank Whiteley, Jr., she has quite a future.

THERE will be no quarter-horse racing on Long Island, at least for this year. Late last week, Ronald Parr, who has been promoting it, announced that he was on the verge of abandoning the project altogether, because of a series of lawsuits, problems with financial backers, and "intransigence" on the part of state, county, and local authorities. What will become of the grandstand, the stables for eight hundred horses, and the partly finished track—known collectively as Suffolk Meadows—near Yaphank, nobody can say right now. Quarter-horse racing, which began with cowboys matching their mounts for short dashes down the main streets of cow towns, is the most popular sport in the Southwest. It goes as big as the trots in Los Angeles, but I have always wondered whether watching eight or ten horses run a quarter of a mile in twenty-one seconds would hold any appeal for horseplayers hereabouts other than as a betting gimmick.

IF you have been wondering, Twixt, the Maryland-bred darling of Baltimore and Washington racegoers, is doing all right in California. Recently, she won the Milady Handicap at Hollywood Park by a nose from Tallahto—one of Charlie Whittingham's hits—and nine other West Coast fillies and mares. Whittingham's luck was no better next day; Tree of Knowledge, whom he saddled for the Bel Air Handicap, was beaten by a head. As the man said, "You can't win 'em all."

—AUDAX MINOR

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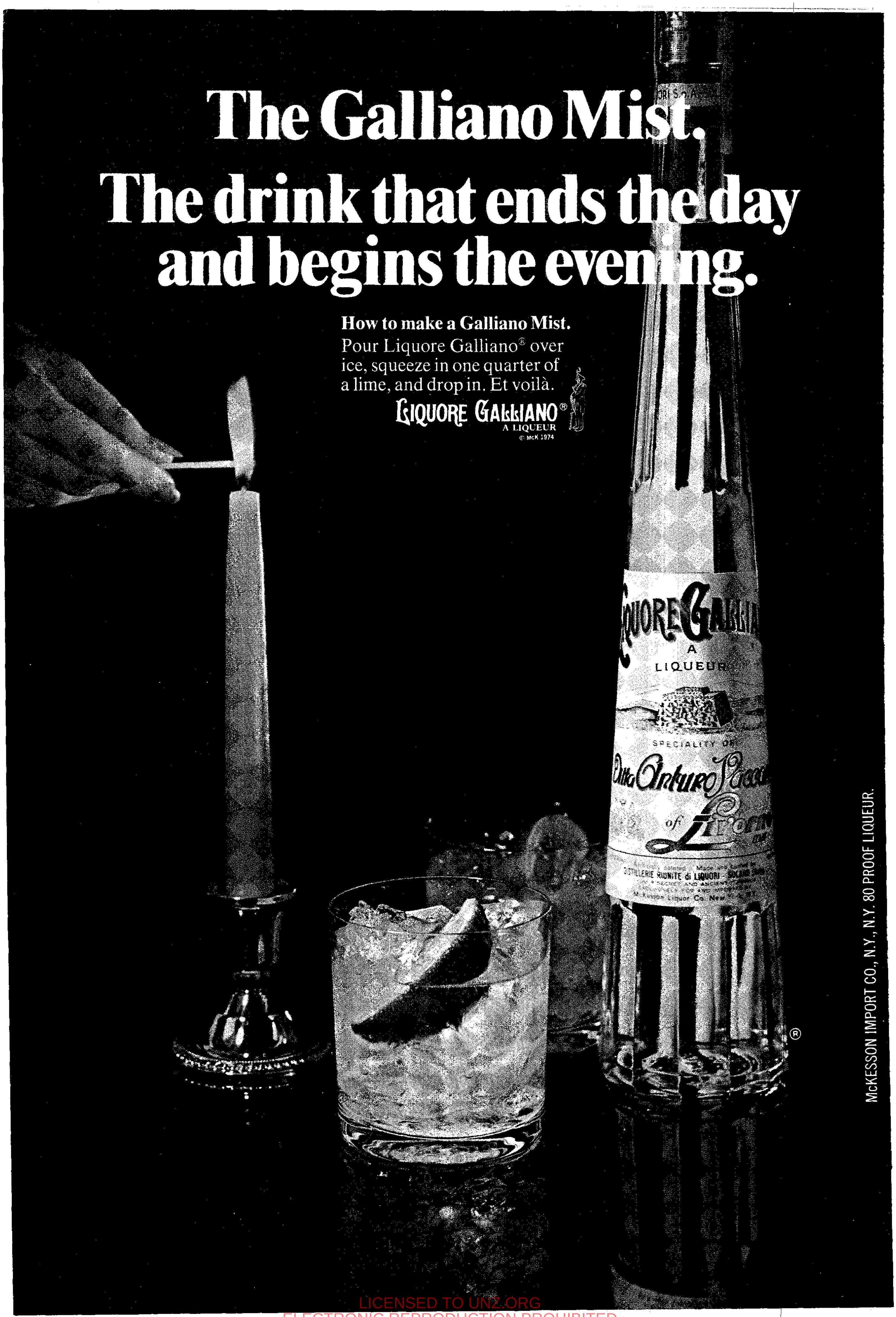
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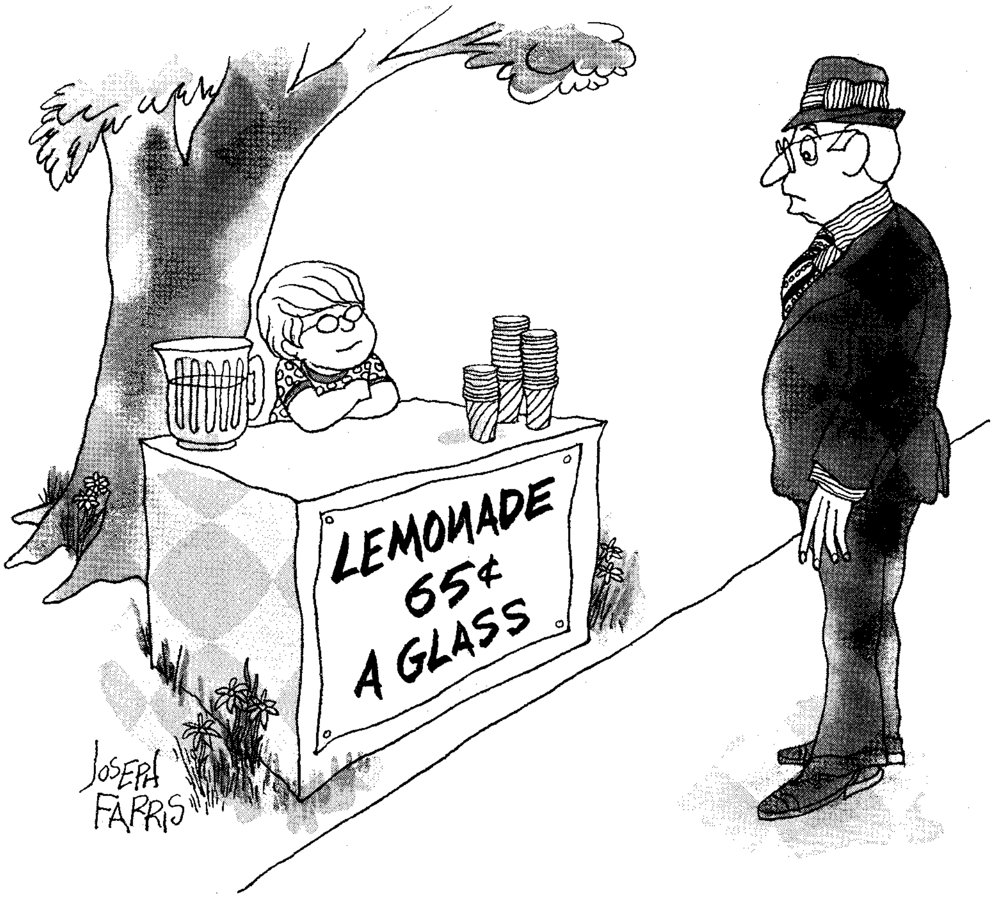
# BOOKS

## *Experience and Innocence*

ENGLAND'S decline from empire into insularity is not, fortunately, measurable in a diminution of her literary output. Nor is her persistent glory an autumnal one; though she has her share of older writers who continue to produce good work, she has also nurtured an imposing crop of younger novelists. Almost by themselves, the two writers I'm considering here would make that point.

Now on the verge of middle age, the transplanted South African Dan Jacobson has produced eleven books; in his latest, "The Wonder-Worker" (Atlantic-Little, Brown), he has again advanced his mastery of craft, and created in fewer than two hundred pages a kind of miniature masterpiece, all the more powerful for its brevity, for its pregnant pauses and silences, for the extraneities that are left out. "The Wonder-Worker" is—in part because of its compression—not an easy book. I have read it twice—both times in rapt admiration for the author's gift of language, amounting to perfect pitch, and for his fierce imagination—and I am still not sure I have penetrated all his artful ambiguities. Nonetheless, I feel rewarded: in this book Jacobson has anatomized schizophrenia and brought it to frightening life. The story is a double—and duplicit—one. We read of the sordid birth and shabby upbringing of young Timothy Fogel, son of a cowed German-Jewish sign painter and a dull-witted Irish shopgirl, in North London; we learn that Timothy is in reality the child not of the immigrant Gerhard Fogel but of the shadowy rent collector, Mr. Truter; we see him, at the age of four, conceiving a childish passion for a schoolmate, Susie Sendin.

And then, almost before Timothy's story has really begun, we are confronted with a second set of facts, or apparent facts, which radically alters our perspective. The Fogel family, we are given to understand—Gerhard, his wife, Maureen, and Timothy—is the literary creation of a young Englishman confined to a Swiss sanatorium, where he is being treated for an unspecified mental illness by Dr. Wuchs, a sinister figure with a reputation for eccentric brilliance and, perhaps, a Nazi past. Almost in rebellion against his course of treatment, to which he has been committed by his father, a wealthy German-Jewish art dealer in London, the young man has taken to writing this story. Is it merely an assertion of self in the dehumanizing climate of the institution? Is it the late flowering of a hidden gift, and so a sign of health? Is it a catharsis? Or is it a glimpse of the affluent young man's real proletarian life and personality? We are not told, though the nameless "author" of the Fogels' story informs us, in a possibly unconscious lapse, that he considers this story his "memoirs." We can assume, therefore, that Timothy Fogel is more than a mere fictive creation; that, in fact, he is in some way related to the young man who is tracing Timothy's rise to manhood, either as an alter ego or as his true self. Timothy grows up "dreamy," withdrawn, obsessed both by love for Susie Sendin and by an apparent ability to work wonders: to turn himself, for instance, into the bricks of a garden wall, into iron, into stone, into wood, into many of the inanimacies around him. The two obsessions are interconnected: rejected by Susie because of his mother's continuing liaison with Mr. Truter, he escapes into the timelessness and painlessness of brick, and soon becomes an adept at escaping into the nature of things, even in the presence of others. Both stories move toward a climax. For one, the young man's treatment in the Swiss sanatorium is, in his eyes, unsuccessful; he tries to break it off and to get himself sent home. At the moment he makes this decision, though, he is foiled by the disappearance of Dr. Wuchs, and he is visited by a new man, a Dr. Buchan, who refuses to discuss the matter. Timothy's mother dies and he grows into his teens, still smitten—and rejected, ever more painfully—by Susie, and still a worker of wonders, this time in the form of a secret collection of precious stones to which, in their weight, their hardness, and the perfection of their crystalline structure, he attributes the wisdom of God. These glittering objects, secreted in an old spectacle case of Susie's long ago pilfered from her home, suggest and sanction a solution to the problem of Susie, who is now in difficulties and pregnant with another man's child. Timothy makes an offer of aid and thus lures Susie to his room. There—in order that "the crystalline simultaneity of time . . . be made fully manifest"—Timothy must make Susie scream, just as his mother, Maureen, screamed on the night he was conceived, to "signify her re-entry into re-eternity." Then



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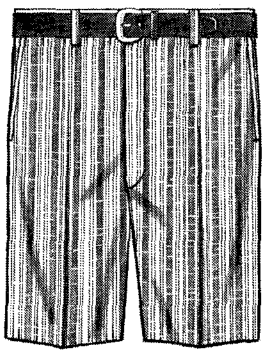

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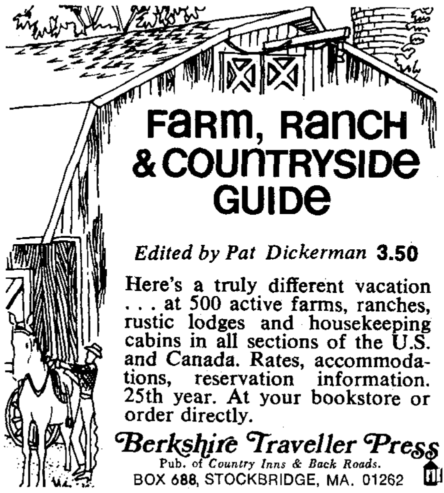

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he must make her die. Then he must tell her all the things he had never been able to tell her before.

The scene changes. A crowded mental hospital in metropolitan London. The same young man is narrating the story. But this time it is his own story; he has converged upon Timothy, and they are one. His father comes to call, accompanied by two men who are apparently police. They are eager to see the story he has been writing—possible evidence. The story is "nothing to read," his father says. "Nothing you could make sense of. Just lines and scrawls and scribbles of all kinds. . . . Rubbish." But the young man holds to his treasured schizophrenia until the end. "I know what I'm doing," he concludes. "Writing down descriptions of places I have never visited, people I have never met, deeds I have never done, I am a free man. I can honestly say that as long as I have my pen in my hand, I am almost as contented with my lot as Timothy is with his."

IF "The Wonder-Worker" is a novel of experience both in form and in content, "The Rachel Papers," by Martin Amis (Knopf), is a novel of innocence, at least in its subject matter. The twenty-four-year-old author, son of the novelist Kingsley Amis, has performed the rare and hazardous feat of extending his family's mastery of the comic novel to a second generation. While the younger Amis admittedly owes much to his father in terms of style, he is quite his own man in the subject he has chosen. "The Rachel Papers" is a chronicle of the end of adolescence. On the eve of his twentieth birthday, the protagonist, Charles Highway, reviews his latter teens with a wry nostalgia for a time that can never be recaptured—and one, he implies, that he has no wish whatever to recapture.

Amis's vision of adolescence is an unvarnished, terrifying, and hilarious one. It is casually crude, scatological, and obscene. Charles Highway applies the clever brain of an almost-man to the solution of all kinds of problems of gratification, sexual and intellectual alike. He is both a gilded and a repulsive creature; his charms and talents are thickly overlaid with a variety of impostures, on the one hand, and physical preoccupations—spots, dress, hair styles, toilet habits, sexual protocol—on the other. On his way to the conquest of the attractive but unbright Rachel and his simultaneous acquisition of admission to Oxford, Highway plays continual games of strategy and tactics. He is almost never himself; instead, he borrows whatever persona is best suited to getting the job done quickly and dirtily. At the same time, he is a rebel, a truth seeker, a ferocious anti-hypocrite, and the pitiful victim of his own apprehensions, which impel him to keep an "Anxiety Top Ten" list, which changes every week. He is the complete adolescent, and in that capacity a memorable figure.

But this is not a novel of stasis, though it might have been a most respectable one; Amis is more ambitious than that. He wants to show us *process*—the advent of Charles Highway's manhood in the form of a series of comeuppances and realizations—and he does just that. The first hundred and fifty pages of the novel are bright, lively, witty, clever, and rapid, but sometimes a little flat and labored, as if the author were just warming up his undoubted skills. In setting out the terms of Highway's teen-age existence, his irony and satire, his comically intense malignity (an Amis family specialty) seem a little too casual, too offhand to be really persuasive. But when Highway meets his match—first in his own mind, during the long-awaited (and very funny) seduction of poor Rachel, and then at the hands of a hip Oxford don who sees right through his phony-erudite examination papers—the novel springs blazing to life, and Amis, like Highway, comes of age. The book is well worth reading for these last seventy-five pages and their promise for the author's future. It is significant that Highway begins his adult life—at the stroke of midnight on his twentieth birthday—by wondering "what sort of person I can be" and by taking up pen and paper and writing the first amateurish paragraph of an intended work of fiction. I await Martin Amis's next novel with impatient interest.

—L. E. SISSMAN

## BRIEFLY NOTED

### FICTION

MY LIFE AS A MAN, by Philip Roth (Holt, Rinehart & Winston). That Mr. Roth's life as a breast was covered by a previous book is one of many self-regarding but still pretty funny jokes in this sprawling literary puzzle. The reader begins it expecting a truthful piece of autobiography—a soul-baring story of troubles and torments, perhaps—and finds enough troubles and torments for half a dozen autobiographies. The book contains two short stories about a priggish young scholar and teacher named Nate Zuckerman and a long, "true" account by an older man named Peter Tarnopol, supposedly the author of the Zuckerman stories, who is haunted by memories of a disastrous marriage and a grotesque affair, and is loudly dismayed to realize that, largely because of his marital problems, his once shining reputation is a shambles. The Zuckerman-Tarnopol life runs through the urban wastes of New Jersey, a couple of Eastern colleges, a Southern Army camp, a Midwestern university, Manhattan's upper East Side, and a Vermont writers' colony, and one of Mr. Roth's jokes is to tease us with the question of how much of this life has actually been his own (or to whisper, with a giggle, that we already know). At serious moments, he seems to bewail his callowness and his miserable luck, but he also reminds us that—for legal reasons, if for no other—the whole book is fiction. In fact, it is an elaborate burlesque of "honest" autobiographical writing, and as such it is the sort of one-shot stunt that probably every writer of a certain rank is entitled to when he has had too much of his critics. The only problem with this hilarious, amazing book is that the earnest elements—the pleading, the melodrama, the horror—are often upended by all the fooling around. A Literary Guild selection.

COGAN'S TRADE, by George V. Higgins (Knopf). Mr. Higgins, the Balzac of the Boston underworld, makes us understand why it is all right for Mark Trattman to hire gunmen to stick up one of his own poker games but all wrong—murderously wrong—for ambitious small-timers like Johnny Amato and Frankie (who robs banks) and Russell (who steals dogs on the side) to do the same job. In the business of crime, only amateurism is unforgivable, and Jackie Cogan's cold trade is the preservation of professional order. These are shallow, scummy lives, but they are presented seriously, at their own level, and without a trace of condescending irony. The ideal form for the occupational novel is dialogue, and Mr. Higgins has become the finest dialogist of our time. His anxious characters gossip about cars and women and money and food and dentistry and gambling and raising children and the troubles of marriages that must be sustained through long prison sentences, and the talk—full of elisions, interruptions, obscen-

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ities, doublings-back, pauses, ruminations, interior quotes, repetitions, and incomprehensibilities—touches us with a thrilling intimacy. In his field, George V. Higgins is now in competition only with himself, and this, his third novel, is also his best.

## GENERAL

Emlyn: An Early Autobiography, 1927-35, by Emlyn Williams (Viking). This work takes up where its predecessor, "George," left off. In the earlier volume, the author recalled his Welsh childhood and the staunch and imaginative assistance of his teacher, Miss Cooke, whose help led him to a scholarship at Oxford. There Williams discovered the theatre; he acted in university plays, wrote a play that was produced, neglected his studies, and came apart before his final examinations. Rescued by the producer of his play, Emlyn, at the start of this volume, is acting professionally (his part is one line), preparing for those exams (he passed), and writing another play. The book is an account of its author's gradual rise in the theatre and in the movies, both as an actor and as a writer. With formidable diligence, he turns out play after play—all near-misses—and learns something from each; while performing in other writers' work, he learns from them and from his fellow-actors, both old-timers (Dame May Whitty) and comparative youngsters (Charles Laughton). Williams tells us everything he found out about acting, playwriting, directing, sets, auditoriums, and audiences, and if this were all, the book would still be invaluable. But there is another—and more important—lesson. For Williams also chronicles his emotional life—his loneliness, his torment, and his obsession with a young man, which almost destroyed what became a lasting love marriage. The youth turned out to be something new and horrible in Williams' experience—a complacently amoral criminal to whom friendship, loyalty, gratitude were incomprehensible. The reality of plausible, attractive, conscienceless crime, which had caused Williams so much pain, provided the vision for his first hit play, "Night Must Fall," on whose opening night this volume closes.

The Riddle of the Pyramids, by Kurt Mendelssohn (Praeger). By vocation, Professor Mendelssohn (Oxford, emeritus) is a low-temperature physicist, and by avocation he is an Egyptologist. This fascinating book is a union of physics and Egyptology. It is constructed like a mystery story, and it would be unfair to give away too much of the plot. However, one cannot resist at least stating a couple of the questions posed. Why did the pyramid age last for only one century? And why were several of the great pyramids under construction simultaneously if they were to be used as burial places for a single pharaoh? These questions and many like them have very plausible answers, and one comes away from the book marvelling not only at the engineering virtuosity of the ancient Egyptians but, more surprisingly, at their civic wisdom. With many photographs taken by the author.

Naked Is the Best Disguise: The Death and Resurrection of Sherlock Holmes, by Samuel Rosenberg (Bobbs-Merrill). This titillating, helter-skelter book about hidden literary allusions in the works of Sir Arthur Conan Doyle is somewhat compromised by the author's Barnum & Bailey-ringmaster style ("SEE FRIEDRICH NIETZSCHE'S INFLUENCE ON THE GREAT SUPERSLEUTH! SEE MARY SHELLEY'S 'FRANKENSTEIN' IN THE EVIL PROF. MORIARTY! SEE THE INCREDIBLE RELATIONSHIP BETWEEN 'A STUDY IN SCARLET' AND 'THE TRIAL'! SEE JAMES JOYCE PAY HOMAGE TO THE GREAT HOLMES!"), but if you can adjust to it you'll find an absorbing and impressive bit of literary detective work. Many of Mr. Rosenberg's theories seem at first to have been dreamed up by some drunken Talmudic scholars (especially the theory that Sir Arthur had "woven into 'The Final Problem' and 'The Adventure of the Empty House' an unmistakable and sacrilegious travesty of the Easter festival commemorating the last three days of Jesus's life"). But he offers enough proof for his theories (most of the time) to convince even the skeptical, and for Sherlock Holmes buffs the book is noteworthy for its biographical detail alone.

Pavilions of the Heart: The Four Walls of Love, by Lesley Blanch (Putnam). In this elevated divertissement, Miss Blanch, who has travelled widely and written much, examines settings—landscapes, houses, rooms—that were the backgrounds for great love affairs. Some of her amorous pairs (Nelson and Emma) are well known; others—a Bulgarian monk and nun whose romance blossomed in an interval of guerrilla warfare against the Turks—are not. Besides Europeans, the author includes Arab and Asian lovers (and their architects), allowing us to admire, with the help of well-chosen illustrations, the spare elegance of the stairway at George Sand's house, Nohant, where she lived with Chopin, and the elaborate ornamentation of the Grand Turk's seraglio. Miss Blanch's portraits of people and places are knowing—sometimes sympathetic, sometimes ironic, invariably realistic.

An American Life: One Man's Road to Watergate, by Jeb Stuart Magruder (Atheneum). Magruder, a well-scrubbed Wasp of shabby-genteel origins and proper conservative opinions, was involved in much of Watergate, and particularly, he says, in concocting a story that, had it been believed, might have kept him and some of his associates out of legal difficulties. Though his autobiography ends on a note of remorse and a promise to behave himself for the rest of his life, its only redeeming feature is its material on other Watergate figures and how they got along with one another—badly, on the whole—and on who outranked whom. Magruder seems loyal only to the President and to John Mitchell, neither of whom he served very well. For those who want to be clear on the pecking order in the Committee to Re-Elect the President, this is probably as good a guide as any we are likely to get. Though he was evidently an able man in his first career, merchandising, Magruder's political talents were meagre; he seems, however, highly skilled in gossip.

Note: "The Great Whales," by Faith McNulty, has been published by Doubleday. Most of the contents appeared originally in *The New Yorker*. . . . George Steiner's exploration of the dynamics of the game of chess, with its focus on the celebrated Fischer-Spassky match at Reykjavík two years ago, has been published by Viking under the title "Fields of Force." All the material first appeared here.

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Amos Wilder has been called back to teach at Harvard Divinity School after ten years retirement due to a colleague's illness.—*Yale Alumni Magazine.*

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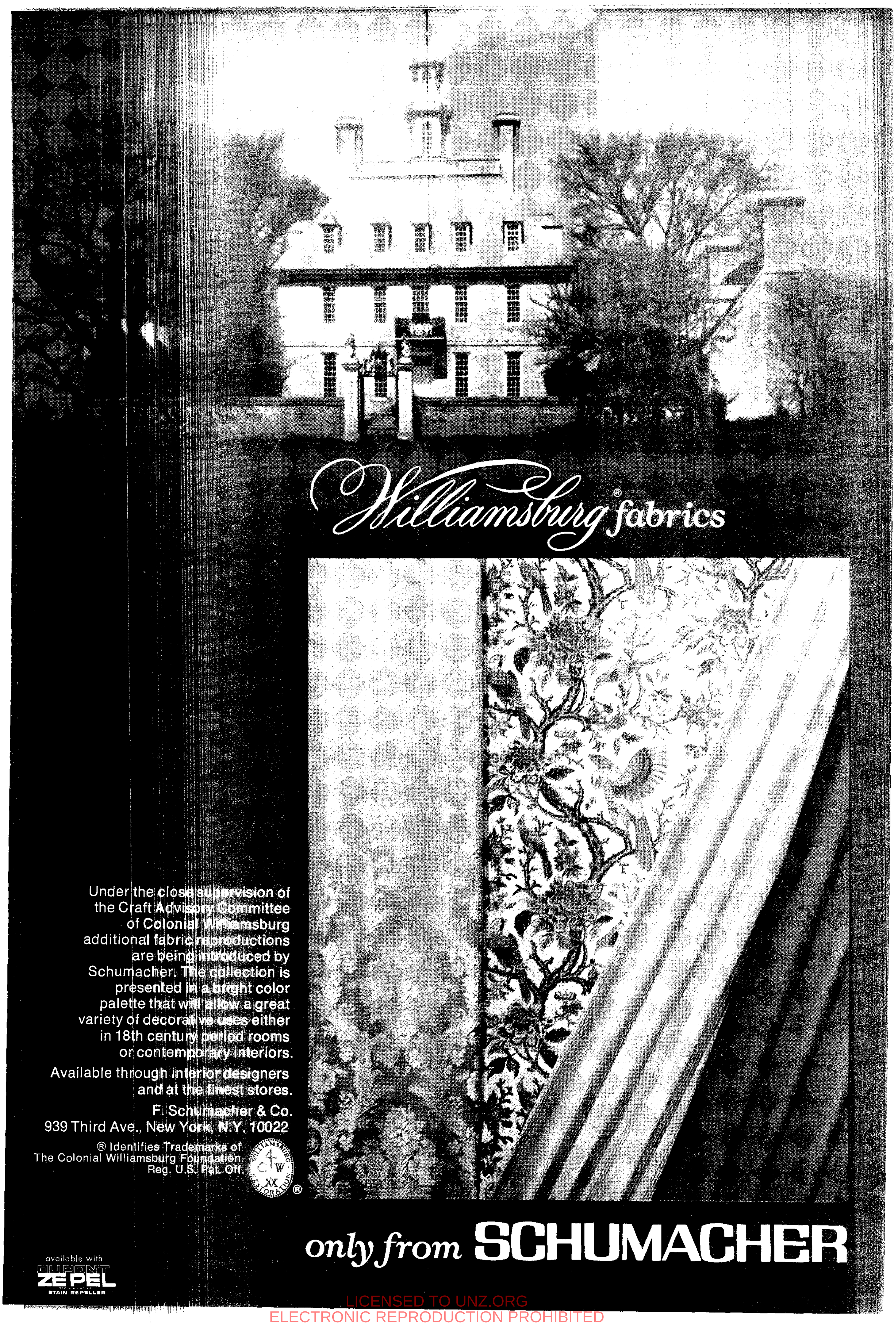

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